

A Theory of Moral Obligation

A Dissertation
SUBMITTED TO THE FACULTY OF THE
UNIVERSITY OF MINNESOTA
BY

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IN PARTIAL FULFILLMENT OF THE REQUIREMENTS
FOR THE DEGREE OF
DOCTOR OF PHILOSOPHY

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May 2016

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For my mom.

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Introduction

Motivation and Summary

1. Introduction

My dissertation argues for a demanding theory of moral obligation that creates massive moral dilemmas for many individuals and, in light of these dilemmas, provides a strategy for individual ethical practice. My argument is meant primarily for each person to consider how she can achieve moral success for herself as opposed to considering how to evaluate the moral success of others.

I begin by sharing my two main motivations for this dissertation project. First, an analogy between morality and mathematics motivated my work. When I was younger, the justification for moral foundations worried me. I did not see uncontroversial justification for holding any moral foundations. At the same time, I always had an affinity for mathematics. I did not question mathematical foundations. Yet I wondered why the foundations of mathematics did not trouble me like the foundations of morality troubled me.

I felt that the solution to my problem with moral foundations could be found through its comparison with mathematical foundations. Obviously there are differences between the disciplines, but in many ways mathematics is a system like morality. Perhaps mathematical foundations have more of a universal consensus, but, similar to morality, there are many foundational questions in mathematics as well. I started thinking that our confidence in moral foundations should be similar to our confidence in mathematical

foundations. This broad idea has stuck with me. The idea that moral foundations have analogous features to mathematical foundations partly inspired my research on the dissertation. I briefly sketch my thoughts about the similarities in the next section.

My other motivation for the dissertation was to provide an argument for a demanding theory of moral obligation. Before starting my work on the dissertation, I took it as obvious that we each have demanding obligations, such as providing resources to those in need. Perhaps the obviousness came from my religious upbringing, but I never justified my beliefs through religion. In fact, I never justified my beliefs with any worked out argument. Instead, I took it as a given that each of us should be providing for those around the world who are in need and who do not have the basic requirements for the possibility of a well-lived life.

I think some others have the same intuition about demanding obligations without a worked out theory. I also think some others disagree that we have these demanding obligations. Either way, this dissertation gives an argument for my intuition. It explains why we have obligations that are demanding, it explains why we have those obligations to others worldwide and it explains how we should act in light of the demandingness.

I leave aside the “demanding obligations” motivation here. Its working out will occupy the dissertation chapters. In this introduction, I want to begin with some remarks meant to introduce my thoughts behind the analogous features of mathematics and morality. This idea is relevant for understanding my meta-ethical leanings related to the chapters of the dissertation, although I am not attempting here to make any robust argumentative claims. In fact, the analogy plays no substantive role in the normative

theory of the dissertation. Rather, the analogy provides a meta-ethical outline that is consistent with but need not inform the normative arguments.

I will leave open my meta-ethical position (e.g. realist, subjectivist). My point is only that I think a meta-ethical position should be analogous to a meta-mathematical position, e.g. if we are realists about mathematics, we should be realists about morality; if we are relativists about mathematics, then we should be relativists about morality as well.

I think most people are realists about mathematics and less sure about morality. I thought that, if I was successful in an argument about the analogous meta-positions, then it could increase confidence in moral foundations. While my own confidence in the foundations of morality increased through this investigation, at the same time my confidence in the foundations of mathematics decreased. While there is an analogous level of confidence, there was a “meeting in the middle” to achieve it. After presenting the section on my mathematical motivation I will end the introduction with a summary of each dissertation chapter.

2. Motivation: A Mathematics-like Meta-Ethics

Many authors have investigated the relationship between mathematics and morality. For example, Plato argues in the *Republic* that knowledge of mathematics and knowledge of the Good are similar in that both bring a person closer to universal truths.¹ Hobbes found the structure of mathematics (specifically Euclid’s geometry) appealing and thought that people could achieve similar results in other disciplines. The relationship

¹ Plato, *Republic*, Book VII.

between mathematical and moral knowledge is of interest in contemporary circles within philosophy as well.²

The following sections suggest an interpretation of moral foundations based on an interpretation of mathematical foundations. Here I investigate two claims. First, I suggest that we can justify our knowledge of moral propositions analogously to how we justify our knowledge of mathematical propositions. The idea is that, if the justificatory processes are analogous, there should be a similar level of confidence between the foundations of each discipline. Second, I investigate the foundational content of each discipline. I hold that the content of both mathematics and morality is based on our interaction with certain aspects of phenomena in the world (with different phenomena for each discipline). This foundational content leads into the investigation of moral obligation in the body of the dissertation.

2.1. Mathematical and Moral Justifications

In this section I show how moral justifications can be analogous to mathematical justifications. In everyday interactions, people often do not question mathematical justifications. At the same time, people often hold either that there are no universal moral justifications or that moral justifications are specious at best. Through my investigation below I show that some moral justifications deserve the same confidence that the justifications of mathematics are given.

² See, for instance, Brian Leiter's "Leiter Report" of July 14th, 2015, for a discussion on mathematical and moral knowledge. <http://leiterreports.typepad.com/blog/2015/07/rosenberg-on-intractable-moral-disagreement.html>

It is often thought that mathematical justifications are uncontroversial whereas moral justifications are controversial. Within morality, it is argued, cultures and people hold different views, whereas in mathematics, there is universal agreement. However, as many mathematicians know, there is no universal agreement on the mathematical foundations:

Contrary to popular (mis)conception of mathematics as a cut-and-dried body of universally agreed upon truths...as soon as one examines the foundations of mathematics...one encounters divergence of viewpoint...that can easily remind one of religious, schismatic controversy.³

There are many divergent justifications about mathematical foundations. It appears, unreflectively or to those who do not study mathematics, that the discipline has uncontested truths. However, regardless of the unreflective stance, there are deep questions about the correct justifications in mathematics.

The difference between how we view mathematical and moral justifications is partly based on our relationship to each discipline. Generally, we each internalize our own moral beliefs and the justifications those beliefs are based upon. We care about them and consider them as a personal reflection of ourselves, whereas we do not necessarily do the same with our mathematical beliefs and justifications. This difference in how we feel about each partly explains why it appears that mathematical justifications have a higher

³ Bell, John, and Hellman, Geoffrey. (2006). "Pluralism and the Foundations of Mathematics." In Waters, Longino, and Kellert. Quoted from Clarke-Doane, Justin. (2014). "Moral Epistemology: The Mathematics Analogy," *Nous*, 48 (2), p. 242-43.

degree of confidence. Yet for those who study it, the disagreements within mathematics are widespread. It is simply those who use mathematics without reflection that believe there is a general convergence of justifications.⁴

A person might hold that simple propositions such as “ $1 + 1 = 2$ ” are what we generally think of as uncontroversial in mathematics. *Everyone* holds these propositions, and all justifications should make these propositions true. As Russell and Whitehead state in the preface to *Principia Mathematica*,

In mathematics, the greatest degree of self-evidence is usually not to be found quite at the beginning, but at some later point...⁵

In other words, Russell and Whitehead are saying that any foundation of mathematics should agree with uncontroversial propositions such as “ $1 + 1 = 2$.” These are propositions we believe true that a *good* mathematical theory should hold. We would judge mathematics poorly if it turned out that $1 + 1 = 3$. Thus a person might argue that even if mathematics does not have agreed upon foundations, then it, unlike morality, could start with these uncontroversial propositions that any mathematical justifications should support. The claim could be that there are no equivalent propositions in morality.

However, there are uncontroversial propositions in morality too, for there does not seem anyone “who rejects the claim that burning babies for fun is wrong, or that it is sometimes permissible for some people to stand up.”⁶ We would not consider a theory of

⁴ Clarke-Doane, Justin. (2014). “Moral Epistemology: The Mathematics Analogy,” *Nous*, 48 (2), p. 242.

⁵ Whitehead, Alfred North and Russell, Bertrand. (1968). *Principia Mathematica*, Volume I, 2nd edition, p. v, Cambridge University Press.

⁶ Clarke-Doane, Justin. (2014). “Moral Epistemology: The Mathematics Analogy,” *Nous*, 48 (2), p. 241.

morality good that did not include these propositions in its purview. If burning babies for fun is permissible, then we would at the very least be extremely skeptical of the justifications of the moral theory, in a similar way to our skepticism of a mathematical theory justifying the proposition “ $1 + 1 = 3$.”

We have “burning babies for fun is wrong” and we have “ $1 + 1 = 2$.” A person might claim that there could be people who do burn babies for fun, or think it okay at least. To be sure, we can imagine an individual burning babies for fun; but I can also imagine an individual adding one and one to three. In both cases, we could claim that the person is wrong. Action counter to a proposition does not show that the proposition is false. In other words, being able to burn babies for fun does not mean it could be morally justified to do so.

A person might object that, in the mathematical case, it is really a limitation of possible justifications. She cannot even conceive of a justification about a world where the mathematics would exist differently from the current world. She has no conceptualization of a world in which $1 + 1 = 3$. However, in the moral case, she can imagine a world where there is justification for people to go around burning babies because it is fun for them and that it is morally permissible. A consequentialist, for instance, could argue that, if enough people have enough fun and the babies are young enough to have limited suffering and there are further good consequences of the fun (e.g. a more prosperous, healthy population), then it seems, at the very least, permissible to burn babies for fun. It is a disturbing world but we can still conceive of the justification. In other words, there is no “all-things considered” uncontroversial proposition for morality similar to “ $1 + 1 = 2$ ” in mathematics. *Regardless* of what our mind is like, it is

claimed, for mathematics $1 + 1 = 2$, i.e. the truth of the proposition is mind independent and no justification could make it false. Whereas for moral propositions such as “burning babies for fun is wrong” there could be a justification that makes the proposition false, and so moral propositions *are* mind dependent.

The issue of mind dependence is an issue of human psychology. In order to know that a justification is mind dependent we would need to imagine what would be the case if people had other minds. That question is deceptive, for an obvious reason: we are not other minded.⁷ In other words, if we were other minded, mathematical justifications could hold $1 + 1$ equals something other than 2. My point is that it is unjustified to presume mind independent “all-things considered” truth for mathematical propositions while keeping mind dependence for moral propositions.

In a similar way to the implausibly justified consequentialist story above, I could (implausibly) justify “ $1 + 1 = 3$.” Inconceivable justification of alternatives need not be a prerequisite for uncontroversial truth. In order to justify an objection to either the uncontroversial moral or mathematical proposition, an extremely implausible explanation is necessary. Similar to mathematics, morality has paradigm cases that seem to demand circuitous justifications if we are to challenge them. A *good* theory of morality or mathematics has certain core propositions that seemingly all practitioners hold to be true.

A person might argue that, even if we claim there are similar justifications of certain uncontroversial propositions in both disciplines, there is fairly universal and consistent agreement on a wide range of consequences from those propositions in mathematics. From these uncontroversial propositions, numerous further mathematical propositions are universally held. This is not the case *at all* with morality. Even allowing

⁷ Lear, Jonathan. (1983). “Ethics, Mathematics and Relativism,” *Mind*, 92 (365), p. 46.

that uncontroversial propositions of morality exist, there are diverse beliefs about what follows from them. From the proposition “burning babies for fun is wrong,” the consequences of acceptance could play out in contradictory ways between groups and individuals, such that there is no agreement about the propositions that follow from the uncontroversial ones. In this sense, moral justification is malleable in a way that mathematical justification is not. Thus it appears that mathematics has a strong claim for universality whereas morality does not.

In response, there could be more disparity in mathematical justifications than we might think. If we happened to come into contact with inconsistent mathematical justifications, we would either try to put them in terms of our own mathematical system or say that the justifications are wrong. In mathematics, we explain away any disagreement. For an obvious instance, suppose we found a tribe that adds 3 and 7 to 11. We explain that this tribe is in fact wrong, there is no mathematical relativism here, and these individuals simply are mistaken in their mathematics. However, with morality, if we go to the same tribe and they are doing some action that we morally disagree with, it is often said that their moral justifications are different from ours. The mathematical disagreement is rectified whereas the moral disagreement is accepted. Yet it is unclear what relevant difference between the mathematical and moral justifications allows for the difference in response.

Likewise, instead of more disparity in mathematical justifications, it is possible that morality has a claim for universality based on its uncontroversial propositions as well. It is unclear why we can say that the tribes are mathematically wrong but we cannot say they are morally wrong. In both cases we can often recognize when there is a wrong

application and we can recognize a direction for progress. Just as we see mathematical problems with 3 and 7 adding to 11, we see moral problems with, for example, genocide. In both cases we are able to recognize when a group is getting it wrong.⁸ This does not mean it is easy to identify a specific moral justification that is uncontroversially true. Morality, in everyday circumstances, is obviously controversial. Yet controversial justifications need not preclude there being correct justifications.

It might be the case that the same moral propositions apply for all groups but appear different in their application. As James Franklin states, uncontroversial moral propositions such as respect for persons

...will prescribe different actions and customs for a small tribe at subsistence level from those suitable for a complex welfare state.⁹

We justify mathematics in terms of its propositions. We can justify morality in terms of its propositions as well. When we see various groups instantiating their moral beliefs, we can try to justify the actions in terms of uncontroversial propositions. Disparate groups' moral actions often greatly differ, yet this difference need not mean that there is no correct moral justification. Rather, it could be that the difference is only in action and not in justification. The project for moral theorists would be to find the justifications that explain the various applications between groups. There could be a convergence of seemingly inconsistent beliefs using correct justification and a more sound reasoning process. We simply need to find the correct set.

⁸ Franklin, James. (2004). "On the Parallel Between Mathematics and Morals," *Philosophy*, 79, p. 102.

⁹ *Ibid.*, p. 100.

As Jonathan Lear says, mathematical justification “does not totter every time a child cannot be taught to add.”¹⁰ Sometimes people are unable to understand the justification for a mathematical proposition. Likewise, some moral justifications are difficult to understand too. Yet moral justification need not falter simply because a person is unable to understand the justifications for a moral proposition.

In this section, I investigated how justification in morality can be analogous to that of justification in mathematics. While mathematical justifications might seem solid and moral justifications might seem tenuous, I have outlined how I view moral justifications with the same confidence that I have in mathematical justifications.

2.2. Moral and Mathematical Content

In this section, I will very briefly discuss the possibility of analogous *content* within mathematics and morality. The content I take as foundational in morality will lead to moral obligations that will be investigated in the body of the dissertation.

2.2.1. Mathematical Content

Mathematics is often thought *a priori*, not as something we get through our interaction with the world. Yet there is reason to believe that mathematics is *about* something in the world and that it is not independent of the observable. Numerous philosophers of mathematics recognize that mathematics is based on the empirical world. As James Franklin states

¹⁰ Lear, Jonathan. (1983). “Ethics, Mathematics and Relativism,” *Mind*, 92 (365), p. 42.

...Resnik and Stern argued that mathematics is the science of 'patterns', Shapiro and Parsons that it was the science of 'structure'. Hellman chose 'structural possibilities'. Forrest and Armstrong took numbers to be certain real relations between properties...Armstrong argued further that sets are certain kinds of states of affairs. Bigelow and Pargetter also took numbers to be relations, interpreted realistically...¹¹

These various ideas all hold that mathematics is about information we interact with in the world. All of the authors argue that mathematical objects are observable and not some mysterious *a priori* truth. Franklin continues:

As Maddy remarks, though the differences between these views are real enough, they are small compared to the agreement. They agree that the objects of mathematics should not be interpreted in a Platonist sense, but should be reinterpreted as things available through ordinary sense perception.¹²

Talk of "patterns" as the content of mathematics does not necessarily make the referents clear, i.e. it is not straightforwardly clear in what way we interact with patterns in the world and how mathematics is the science of pattern. Yet the positions of these authors

¹¹ Franklin, James. (1994). "The Formal Sciences Discover the Philosophers' Stone." *Studies in the History and Philosophy of Science*, 25 (4), p. 525.

¹² *Ibid.*

show at least that many people believe mathematics is an empirical science that investigates entities located in the world. There is no revelatory information that we receive outside of the perceived world. Rather, through worldly data of everyday phenomena we find mathematical objects.

2.2.2. Moral Content

If we view the content of morality in a similar way to the content of mathematics as presented above, then moral objects should not be interpreted in a Platonist sense either. The moral content would be based on our experience in the world. I will hold this position and explain the moral content below.

The moral content need not be contentious. As Joshua Gert says, morality is, at the very least, a code of conduct.¹³ The code of conduct is an application to the interactions between agents. At the foundation of a moral theory, what we are investigating in the world is how people interact with each other. Any moral theory discusses some aspect of agential interaction. It is this agential interaction that is the content of morality.

Of course, only *some* agential interactions are related to moral theory. Some actions are not related to a code of conduct in any form. With certain background assumptions ethicists are explaining how we *should* interact with others. In general, when discussing how agents should interact, we discuss what is permissible, impermissible or necessary. *Obligations* can be the basis for these investigations and it is *moral* obligations that I will use for the content of my investigations in this dissertation.

¹³ Gert, Joshua. (2016). "The Definition of Morality," *Stanford Encyclopedia of Philosophy*.

In conclusion, my dissertation will be an argument for what can follow from a consideration of moral obligations from a mathematics-like perspective. My claim in this section is that we can begin an investigation of moral obligations with analogous foundational confidence to that of mathematics. In the future, I hope to work more on the idea of the relationship between mathematics and morality. For now, this section set out my motivation for constructing a theory of moral obligation. Before I thought of morality in a similar light to that of mathematics, I had little confidence in the foundations of moral theory. With at least a cursory understanding of how I view similarities between moral and mathematical foundations, I hope to have shown how my confidence increased and provided me with a foundation to build a normative theory of moral obligation in the chapters to follow.

3. Dissertation Summary

My dissertation investigates what moral obligations are, how they work, what obligations we have and to whom, and how we should act in light of these obligations. Historically, obligations have often been a starting point for moral theories, perhaps most famously in the works of Immanuel Kant. The discipline of “human rights”, however, generally starts (as one would expect) from the perspective of individual rights. I investigate obligations as opposed to rights because of the benefits to starting from the perspective of obligations. As Onora O’Neill argues, a theory of morality that starts from the perspective of obligations is beneficial because talk of obligations often leads to more

proactive thinking whereas talk of rights often leads to passivity.¹⁴ By speaking of obligations first – even if we claimed a correspondence between rights and obligations – we are able to talk about who must or must not act; in contrast, rights talk generally claims that someone is owed a right but does not always assign to any given person responsibility for satisfying that right. I focus on who owes, not who is owed.

O'Neill also notes that the perspective of obligations is beneficial because we can talk of moral obligations outside of the realm of justice, whereas rights talk is generally confined to issues of justice.¹⁵ If we consider justice as fairness or as a sense of a person getting what she deserves, then we see that a rights perspective is limited to a discussion of what a person deserves. Yet by speaking about obligations first, we can explain how people must act to give others what they deserve *and* how others must act *even if* those actions are not based on some sense of fairness or desert. With obligations we can discuss how we must act in broader moral terms than simply justice. The account I provide not only applies to the human rights conversation, but it also acts to further the (presumptive) goals of the community working on human rights.

By considering the position of the obligation-bearers primarily over the right-holders, we are able to see who must act before we ask who is entitled to a claim. And while there cannot be claims of rights without some counterpart obligation, we *can* have obligations without any corresponding right.¹⁶ Instead of asking how we take obligations seriously in light of the rights, we can simply start by taking obligations seriously.

¹⁴ O'Neill, Onora, (2008). "Rights, Obligations and World Hunger," in *Global Ethics: Seminal Essays*, eds. Pogge, Thomas, and Horton, Keith, Paragon House.

¹⁵ *Ibid.*

¹⁶ As O'Neill argues: "there can be obligations even where no claimants are defined; such 'imperfect' obligations are generally seen as moral obligations but not as obligations of justice with counterpart rights," O'Neill, Onora. (2005). "The Dark Side of Human Rights," *International Affairs*, 81 (2), p. 428.

I am addressing numerous questions here. To name a few of the major questions:

- How does ability play a role in consideration of our obligations (chapter 1)?
- If obligations are not limited by what we are able to do, then how are we to understand obligation (chapter 2)?
- If this new conceptualization leads to moral dilemmas, then how are we to act (chapter 3)?

In sum, I will argue that moral obligation is not limited by ability to act. Then I will construct an argument for obligations that leads to massive moral dilemmas. Finally, I explain how to act in light of these obligations we cannot hope to satisfy. In the conclusion I summarize the dissertation and explain my other related work and plans for the future of this project.

3.1. Chapter 1: Divorcing “Ought” From “Can”

In the first chapter, I argue against the widely held dictum “‘ought’ implies ‘can’” (**OIC**). The focus is specifically on **OIC** in moral contexts. The chapter begins with a general conceptualization of both “ought” and “can” in order to establish how the terms will be used in refuting **OIC**. “Ought” is taken as synonymous with moral requirement. After investigating certain attempts to define “can”, I accept a

counterfactual definition of “can”. I argue this definition captures the most appropriate understanding of “can” for a workable **OIC**.

Next I turn to the Argument from Blameworthiness, which argues for **OIC** based on a connection between obligation and blameworthiness on one side and blameworthiness and ability on the other. I show why neither obligation nor ability is connected to blameworthiness using a number of counterexamples.

From there, I investigate the ability to do otherwise. Some authors argue that there are genuine instances where we are incapable of acting other than we do but where we have the obligation to do otherwise. They use these instances as examples against **OIC**. However, it is difficult to find genuine, uncontroversial examples of such instances. I propose an example based on our obligations to have certain emotional responses in certain situations. Sometimes, we are unable to control our emotional responses even when we ought to have a different emotional response. These are genuine counterexamples to **OIC**.

In response to arguments based on our inability to do otherwise, some authors argue that **OIC** applies to a smaller class of situations and that the cases where an individual cannot do otherwise lie outside the scope of the dictum. These responses generally create two spheres – one in which **OIC** applies and one in which **OIC** does not apply. I argue that none of these responses are adequate to save **OIC** as a foundational principle for a theory of moral obligation, since all of them are veiled rejections of the principle.

Finally, I end with a response to the two-sphere solution. The authors who propose the two-sphere solution are concerned, it seems, that the rejection of **OIC** would

lead to the futility of some moral principles. I argue that inaction on obligations does not necessitate a problematic theory. Obligations will not be acted on for other reasons besides inability, such as laziness or apathy. Yet it does not follow that anyone thinks we should adopt the principle “ought implies *will*.” The futility of a theory from the rejection of a principle (such as **OIC**) need not necessitate rejection of the theory.

3.2. Chapter 2: New Harms, Possible Alternatives, and Massive Moral Dilemmas

In chapter 2 I provide an analysis of obligation in order to figure out what we ought to do. I begin chapter 2 by presenting the positions of other authors that have made arguments for impossible obligations, in order to show that the position I will be arguing for is not so absurd. Next I argue that certain defeaters to impossible obligations do not actually defeat. I move on to a discussion of the distinction between negative and positive duties. I argue that the distinction is murky at best and that traditionally held negative duties often require some type of action from each of us. I then specify the obligation to refrain from harm as one of these traditionally held negative duties. I focus on the obligation to refrain from *agency threatening* harm, which is taken as harm that disregards a person’s capacity to act. I argue that investigating obligations to refrain from harm as opposed to obligations to oppose injustice is more beneficial. The former is an obligation that includes a reference to what *we* have done that necessitates us having obligations whereas the latter might not include a reference to why *we* have the responsibility to act on the obligation. I go on to present the NEW HARMS argument,

which holds that we are harming others through our everyday actions, such as buying clothes made in sweatshops and driving fuel inefficient cars. After NEW HARMS, I present a similar argument with even wider ranging obligations that we must act on. POSSIBLE ALTERNATIVES argues that our actions in conformity with global institutional structures that contribute to harm are also contributing to the harm. In other words, almost all of our daily actions contribute to harm if we are not taking possible alternative actions. Given that we can only satisfy some of these obligations and not others (e.g. if I attempt to refrain from agency threatening harm for certain obligations I cannot attempt to refrain from agency threatening harm for others), we each have massive moral dilemmas. The rejection of OIC in the previous chapter provides an avenue for a consistent theory of moral obligation that embraces these moral dilemmas.

3.3. Chapter 3: A Moral Disposition

In this chapter, I discuss how we should act in light of the massive moral dilemmas discussed in the previous chapter. Without being able to act on all our moral obligations, action itself is an insufficient metric for understanding a successful moral actor. Instead, I argue that individuals should develop a moral disposition to act on obligations. The metric is based on what an individual *would* do given the opportunity to do it. It does not limit obligations by what a person can do, but rather states that, when an obligation is accompanied by ability, a person with a developed moral disposition will act. Instead of using a metric of moral action we can use a metric of moral motivation.

Many philosophers have emphasized this distinction between moral action and moral motivation, notably including both Hume and Kant.¹⁷

I go on to discuss the components of a developed disposition. I argue that it is necessary to understand the rational arguments for the obligations and also to have an affirmative affective response. In this way, reason and emotion check and balance each other. If a person has an opposing affective response, it is possible to find a problem in reasoning. Likewise, our reasoning sometimes demonstrates that our affective responses are ill formed. Only when the two coincide, and with the recognition of the coincidence, do the proper components of the disposition exist. I appeal to a personal example to elucidate how the components of the disposition can work in practice. Finally, I end the section with a discussion of empirical research on dialectical behavior therapy (DBT) that corroborates the effectiveness of reason and affect in everyday judgments and decision-making. I take the empirical evidence as supportive of a moral disposition in which we should use both reason and affect in our moral judgments and decisions.

After discussing the components, I argue that we can cultivate the moral disposition using practical wisdom. It is necessary to give a coherent and actionable definition of practical wisdom. I use Jason Swartwood's analysis as an example. Next, with the analysis of practical wisdom available, I give an idea of how we can obtain the wisdom.

I end by considering two important examples of using practical wisdom in moral decision-making: coordination and obligation ordering. For the former, it is obvious that individual moral obligations could be more effectively and efficiently acted on with

¹⁷ Hume, David. (1975). *A Treatise of Human Nature*, Oxford: Clarendon Press; Kant, Immanuel. (2012). *Groundwork of the Metaphysics of Morals*. Edited by Gregor, Mary and Timmerman, Jens. Cambridge University Press.

coordination in groups and institutions. We all have these obligations as individuals, but with a developed moral disposition and by cultivating practical wisdom, many will see their individual powers to act utilized better in governmental or other group roles. This does not shift the burden to institutions, but rather allows individuals to act on more of their own obligations. Finally, I end chapter 3 with an argument for an ordering of obligations. There is a group of obligations, which I call “basic obligations”, that provides against agency threatening harm. Without the satisfaction of these obligations, people are unable to live a decent life in which they themselves are able to develop a moral disposition. An example of this is the obligation to provide food. Without adequate levels of food, people must constantly worry about their daily struggle for existence and are not able to develop a moral disposition. Through experience and understanding we are able to recognize that basic obligations should be satisfied before other obligations.

3.4. Conclusion

The conclusion of the dissertation recaps my arguments. Afterwards, I discuss some of the other work I have done related to the dissertation, such as my attempts at acting on the theory. I also discuss future plans related to the dissertation.

4. Conclusion

My motivation for this dissertation began with an intuition that the foundations of morality could be similar to the foundations of mathematics. I broadly outlined above

how I think those foundations could be similar and how I will use those moral foundations to construct a theory of moral obligation below. Finally, I outlined the structure of the dissertation argument. I will argue that our moral obligations create massive moral dilemmas for most of us and, in light of these moral dilemmas, we should look to our own moral disposition to understand what it means to achieve moral success.

Chapter 1

Divorcing “Ought” from “Can”

1. Introduction

This chapter provides justification for the rejection of “‘ought’ implies ‘can’”. I argue that having an obligation¹⁸ to X does not imply a person can X.

The following principle is often implicitly accepted in moral systems and has been used in a variety of philosophical contexts¹⁹:

“Ought” implies “can” (OIC): If S ought to X, then S can X.

Consider Onora O’Neill’s claim regarding poverty and hunger:

Nobody can feed all the hungry, so the obligation to feed the hungry cannot be [an obligation for anyone.]²⁰

Because no one *can* feed all the hungry, O’Neill claims, it is not an obligation for anyone to feed all the hungry. She assumes that obligations are limited by how we are able to act.

¹⁸ “Obligation” and “duty” will be used interchangeably throughout this paper.

¹⁹ Among them to argue for wrongness incompatibilism, to argue moral dilemmas are impossible, and to derive the Principle of Alternative Possibilities (PAP). (Graham, Peter. (2011). “‘Ought’ and Ability,” *The Philosophical Review*, 120 (3), pp. 337-39).

²⁰ O’Neill, Onora. (1986). *Faces of Hunger: An Essay on Poverty, Justice, and Development*. Boston: Allen and Unwin, pp. 101-2.

However, in the following I will show that there are instances when S ought to X even though S cannot X.

As a preliminary, I want to note that people might look at my counterexamples as aberrations. Of the counterexamples presented a reader might say that they are simply outside the purview of **OIC** but that, in general, **OIC** still holds (and this is in fact the strategy used by some below). After all, a relationship could still exist for most instances of “ought” and “can” and simply be hazy for cases in the extreme. I grant that there is an intuitive appeal to **OIC** (and I point to a possible (misguided) motivation for that intuition in the section on conversational implicature). It makes *prima facie* sense that our obligations are limited by how we can act. Yet I will show that, by looking at the issue closely, any usage of **OIC** as a principle for a moral theory, even under restricted applicability, is unjustified.

OIC is often used to define the limits of our obligations, as the O’Neill quote above shows. As James Griffin explicitly puts it,

The limits of “ought” are fixed by, among other things, the limits of “can”.²¹

As opposed to figuring out what we *should* do first, the contrapositive (“If it is not the case that S can X, then it is not the case that S ought to X”) is often used to figure out which obligations do not apply. If I cannot act on an obligation then it means that it is not the case I ought to do the action.

²¹ Griffin, James. (1998). *Value Judgement: Improving Our Ethical Beliefs*, Clarendon Press, p. 96.

This is the wrong way to construct a theory of moral obligation. Rather, we should figure out our obligations first and then figure out what we can do. Kant (and others) took this view, arguing that we must fix the theory before considering how to act on it.²² Obligations are not limited by what we can do and should not be constructed to conform to our supposed abilities.

Others have claimed that **OIC** is comforting – that knowing our obligations only extend to actions we can do makes morality less stressful and makes morality seem more plausible as related to human psychology. If we only need to worry about actions that we can do, then we can breathe easily and know that morality is not overly strenuous. If we burden people too much, the claim goes, no one will act on any obligations because they will be overwhelmed with their requirements.

However, morality need not be comforting. In fact, I would find an easily achievable theory of moral obligations quite troubling given the numerous problems in contemporary society. Morality *should not* be comforting and I do not think we should feel comfortable when deciding how to act. We should recognize the challenges of our obligations and take action in light of those challenges.

The chapter proceeds as follows. First, I present basic understandings of “ought” and “can” within the context of **OIC**. It is necessary to have a firm grasp on the meaning of these terms for my subsequent attacks on **OIC**. Next, I undermine the Argument from Blameworthiness, a commonly used argument for **OIC**, by showing that there is not a connection between being blameworthy and either obligation or what we can do. From there, I investigate instances when a person does not have the ability to do otherwise than she does. There are genuine instances when we are unable to do other than we do, but

²² Stern, Robert. (2004). “Does ‘Ought’ imply ‘Can’? And Did Kant Think It Does?” *Utilitas*, 16 (1), p. 60.

when we have the moral obligation to do otherwise. While we might not be morally responsible for the inability, it does not vitiate our moral obligation. As such, there are circumstances when we are unable to do otherwise that are genuine counterexamples to **OIC**. Yet a person could claim (and some do), that these examples are outside the scope of **OIC**. These writers argue for a restricted applicability of **OIC** – in one sphere **OIC** is applicable and in the other **OIC** is not. I go on to investigate their claims. I conclude that their two-sphere solutions do not save **OIC** as a moral principle. Finally, I argue that inaction on a principle (or inaction that the rejection of a principle creates in the case of **OIC**) does not preclude the principle from a theory. A rejection of **OIC** and the possible inability of action on some obligations do not necessitate the acceptance of **OIC** *and* does not necessarily make a theory futile. A theory can be useful even with principles that a person cannot act on.²³

2. Ought

It is necessary to describe obligations, and specifically those obligations that are related to morality as opposed to other types of obligations. There are obvious instances of these other obligation types – such as legal or social obligations. The line between *moral* obligation and other types of obligation is not always clear. My argument does not hinge on the distinction. In fact, I believe “ought”, broadly construed, does not imply

²³ In chapter 2 I construct a theory of moral obligations that creates massive moral dilemmas. Chapter 3 provides a way for us to act in light of the dilemmas. In the case of this dissertation, the “point” of rejecting **OIC** is at least three-fold: 1. I think the arguments here show that it is simply a misguided principle; 2. The rejection of **OIC** allows for a consistent theory with moral dilemmas; 3. With the rejection of **OIC** we can see a direction to head towards by understanding what we should do *even if we cannot do it*. That knowledge can guide us in the present in order to move in that direction for the future.

“can”. However, as this chapter specifically looks at **OIC** in moral contexts, the examples here are all meant to fall within the category of moral obligation.

Obligations are, minimally, requirements. They are duties. When I have an obligation to X, it is a requirement on me to X. Peter Singer’s minimal description gives a good foundation to start with:

I use “obligation” simply as the abstract noun derived from “ought,” so that “I have an obligation to” means no more, and no less, than “I ought to.” This usage is in accordance with the definition of “ought” given by the *Shorter Oxford English Dictionary*: “the general verb to express duty or obligation.”²⁴

If a person has an obligation to X then that means she ought to X. As Singer’s purpose was quite different from the purpose of this chapter, further elaboration is necessary.

There is nothing in “obligation” itself that necessitates a person can act. For instance, in the context of legal obligations, a person could have an obligation to pay taxes when she has insufficient money to do so. In the context of moral obligations, we generally build in the ability to act because of beliefs about justice (e.g. “it would be unjust to require me to do an action that I cannot”) or to excuse ourselves from accountability (e.g. “it is impossible for me to do something I cannot”). Often, people do not think they should be held accountable for an action they cannot do.

²⁴ Singer, Peter. (1972). “Famine, Affluence, and Morality,” *Philosophy and Public Affairs*, 1 (3), fn. p. 233.

For my purposes here, a person has a *moral obligation* to X if and only if she *morally ought* to X if and only if she has a *moral requirement* to X. Note the use of “moral” in all these clauses. This understanding avoids many of the pitfalls created in more circuitous explanations. Take, for instance, Judith Lichtenberg’s interpretation. She argues for the uncoupling of “ought” and “moral requirement” because, she claims, the requirements of morality are stronger than oughts of morality:

Oughts...are often more like pushes: moral forces that give us good reason to act, but that may not be best conceived as moral requirements.²⁵

For Lichtenberg, the moral ought is weaker than moral requirements. Oughts include more in their scope than moral requirements include.

If Lichtenberg is correct, then the category of what we ought to do includes at least the whole category of what we are morally required to do. Good reasons support claims that we have certain moral requirements but also good reasons support certain other actions. Hence the category of “ought” would be broader than the category of “moral requirement”. However, regardless of whether “oughts” are broader and more like good reasons or whether they are synonymous with “moral requirements,” we will use the more restrictive scope of “oughts” equating to “moral requirement” and show that, even using this scope, “ought” does not imply “can” (and so it would not for the broader scope as well). For the purposes of this chapter, I will show that, when “I ought to X”

²⁵ Lichtenberg, Judith. (2010). “Oughts and Cans: Badness, Wrongness, and the Limits of Ethical Theory,” *Philosophical Topics*, 38 (1), p. 129.

aligns with “I have an obligation to X”, it does not imply “I can X.” All the “oughts” I use in this section are taken as synonymous with “obligation,” regardless of whether there are other “oughts” as well.

A person might argue that, since Lichtenberg claims what we ought to do includes more actions than our moral requirements, perhaps “ought” does not imply “can” but “moral requirement” implies “can”. If we have a moral requirement to X then we can X, but it is not true that if we ought to X then we can X. Since the category of “moral requirements” is smaller than that of “ought,” it could be that we can act on all our moral requirements but not all the ought pushes, as Lichtenberg suggests.

But consider the usage and context of **OIC**: it is held as an important dictum for many moral theories and there is an abundance of literature on the relationship between “ought” and “can”. In the context of **OIC**, people generally do *not* take “ought” as simply a push. Authors argue for and against **OIC** with the idea that it has a substantial relevance to a theory of moral obligation. If, in the context of **OIC**, “ought” simply meant “a push”, then the whole debate over the dictum would lose much of its significance. As my argument is meant to have a significant relevance within the debate as well, the “ought” in **OIC** for this paper will be synonymous with “moral requirement,” as surely it is for most authors working on the dictum.

3. Can

We now turn to a workable understanding of “can” for **OIC**. “Can” could have a number of interpretations. It should always be remembered in this investigation that we

are looking for an understanding of “can” that explains the intuitive plausibility of **OIC** in order to be charitable to those who hold **OIC** as a moral principle.

First, consider the relationship between “can” and logical possibility. A proposition is logically possible if it does not entail a contradiction. It is not logically possible to find a married bachelor. It *is* logically possible to feed a billion starving children, i.e. there is no logical inconsistency in my feeding a billion starving people. This understanding of “can” is obviously too broad, for we do not include all logically possible actions as actions we can do within the context of **OIC**.

Physical possibility might capture “can”: it is logically possible for a single human to personally feed a billion children, but it does not seem physically possible for a human to do so.²⁶ Yet again, “can” in any plausible version of **OIC** does not include this broad range of abilities. We do not say we can do anything that is physically possible – at least in moral contexts. It is physically possible for a person to swim but we take as true that someone who does not know how to swim cannot save a drowning person, despite the absence of any physical impairment.

There is also psychological possibility, which includes actions that are compatible with our psychological make-up. For instance, I might be psychologically incapable of swimming because of some fear from my childhood. So perhaps I could *physically* swim, but some aspect of my psychological make-up restrains me from doing so. This still is too broad for **OIC**. Even if it is psychologically possible for me to swim, if I have not learned how to swim, we do not hold that I ought to save a drowning man because, intuitively, I still *cannot* swim.

²⁶ Lichtenberg, Judith. (2010). “Oughts and Cans: Badness, Wrongness, and the Limits of Ethical Theory,” *Philosophical Topics*, 38 (1), pp. 123-142.

Peter Vranas presents his own understanding of “can” in order to capture a workable **OIC**. He suggests that “can” is

...the claim that the agent has both the ability and the opportunity to do the thing.²⁷

His “ability” includes psychological ability, e.g. on his view I must be psychologically capable of swimming to save the drowning man. It also includes having requisite knowledge and capability. If a person does not *know* how to swim, then she does not have the ability to save a drowning man. If she knows how to swim but does not have the physical power (which is an example of *capability* for Vranas) to do so, she again lacks the ability to save the man. The opportunity to do the action allows the ability to be instantiated. If a person does know how to swim but is on the other side of the world, she lacks the opportunity to save the drowning man.

Vranas’ definition is on the right path towards a plausible understanding of “can” for **OIC**. He includes psychological and physical criteria along with knowledge requirements. However, in all the above discussion of “can” there is an implicit assumption. For instance, when considering a person’s capability to swim, if the person does not actually swim we are saying that she *can* swim if it *were possible that she did swim*. In other words, implicit in the idea of “can” is that, given the right conditions, a person performs the action. This idea of performing X when the right circumstances

²⁷ Vranas, Peter. (2007). “I Ought, Therefore I Can.” *Philosophical Studies: An International Journal for Philosophy in the Analytic Tradition*, 136 (2), p. 169.

occur is what we mean when we claim “S can X”. If there is no possible set of reasonable conditions under which S performs X, then S cannot X.

Considering the situation this way, counterfactuals and possible world semantics capture a more appropriate form of “can” for **OIC**. As presented in David Lewis’ *Counterfactuals*, a counterfactual conditional of the form “if it were the case that *A*, then it would be the case that *B*” is true if and only if, in the closest possible *A*-worlds to the actual world (i.e. in the closest possible worlds to the actual world where *A* is true), the proposition *B* holds as well.²⁸ If, in the worlds where kangaroos have no tails closest to the actual world, they do fall over, then the counterfactual “If kangaroos had no tails, then they would fall over” is true. If kangaroos do not fall over in those worlds, then the counterfactual is false. For Lewis, the closest possible worlds are found using the comparative similarity relation: the closest worlds to the world of evaluation are the ones that are most *similar*, overall, to the actual world while holding the antecedent of the conditional true. Looking at these worlds shows whether *B* holds in the *A*-closest possible worlds. It should be noted that there is, of course, controversy about how to understand counterfactual comparative similarity relations. We will not delve into the muck of that controversy. Instead we will use an intuitive understanding of the comparative similarity relation for an understanding of “can” within the context of **OIC**.

I cannot save a drowning child if I do not know how to swim. In the closest possible worlds to this one, I still cannot swim. To know how to swim would necessitate great changes in my past that would make it the case that I can swim at present. One may say that I *could* have saved the child if I knew how to swim, to which I could reply yes, but that does not mean that I can now save her. Deciding the relevant features to focus on

²⁸ Lewis, David. (1973). *Counterfactuals*. Blackwell, Oxford.

is by no means trivial. It is not always clear which features are extraneous factors in our ability and which features are essential. Yet it seems clear that some alignment of psychological and physical ability of an agent is necessary in order to perform X. Suppose that I really wanted to save the drowning child. Even though my desire lines up with the performance of saving her, if I do not know how to swim I will still not save her in the closest possible worlds, since my physical ability prevents me from doing so. Both the physical and psychological ability coupled together in a counterfactual provide a solid understanding of “can” for **OIC**.

With all this in mind, I propose defining “can” counterfactually.

Counterfactual definition of “can”: S can X if and only if in the closest possible worlds where S overridingly desires to X, S performs X.

“Desire” is used because what we can do is not encompassed by our physical ability alone but also our emotional willingness or volition. If our emotional willingness is present, then it is when we are physically able to perform that we can X. Without the emotional willingness, even if we are physically able to perform it might not be the case that we can X.

The problem is determining what counts as an *overriding* desire. If I am sitting on my porch when I see an elderly woman fall on the sidewalk, my response might be that “I am too lazy, I cannot help her.” In the closest possible worlds where I desire to help her, it is not clear that I do. If my desire to sit outweighs the desire to help I would still not

help her. Yet it seems intuitive that I *can* help the woman rise. If we held my definition of “can,” it appears that laziness could override what I can do, a seemingly undesirable circumstance for a conception of “can.”

However, laziness *does* sometimes override our desires to act and so does factor in to whether we can act. It might be a fact that I am so lazy that I *cannot* help the woman. Even if I desire to do so, I do not. One might object that, “If you weren’t so lazy then you could help her.” This could be true, but I *am* so lazy, and in the closest possible worlds where I overridingly desire to help, my laziness could still preclude my performance of the action. Thus it would not be the case that I can help the woman.

There is a difference between being lazy and being incapable. J.J.C. Smart discusses the distinction with his examples of lazy Tommy and stupid Tommy.²⁹ Stupid Tommy is incapable of doing his schoolwork and so there is really no reason to punish or incentivize his behavior. Stupid Tommy is not at fault and cannot help his inability. However, lazy Tommy could do the work if he simply applied himself. Lazy Tommy is *responsible* for his behavior and can alter the behavior. In other words, there is reason to try to correct Lazy Tommy’s behavior whereas there is no reason to try to correct Stupid Tommy’s behavior.

Lazy Tommy could be incentivized to correct his behavior. Similarly, if my only impediment to helping a woman up from the ground is laziness, I could be corrected as well. However, recall that the point is not whether it is *possible* for me to do the action, but rather whether, *in the closest possible worlds*, I perform the action. The worlds where I continue with my laziness are closer than the worlds where I have learned not to be idle.

²⁹ Smart, J.J.C. (2003). “Free Will, Praise and Blame”, in *Free Will*, second edition Gary Watson (ed.), Oxford University Press.

Learning not to be idle would take time. Continuing to be idle would not take any extra training at all.

Finally, the “performs” of “S performs X” is important in the counterfactual definition of “can.” Specifically, note that the definition does not hold “S *does* X.” “Performs” implies that the category includes all behaviors, regardless of whether they are voluntary or involuntary. S’s performance of X includes involuntary behaviors as well and will be shown important in the below discussion. For now I simply note it here.

4. The Argument from Blameworthiness

The Argument from Blameworthiness is a common argument for **OIC**. Robert Stern says the argument is “that it is wrong to blame someone for something that they cannot control.”³⁰ He is correct that this is a part of the argument, but there is a second part as well. I will present the argument and then discuss why it is unsound.

Some claim that **OIC** is affirmed on the grounds that a person should not be held blameworthy for actions she cannot do. James Brown formally presents the argument as follows:

The Argument from Blameworthiness (AB)

1. If A cannot X, then it is not the case that A is blameworthy for not X-ing.

³⁰ Stern, Robert. (2004). “Does ‘Ought’ Imply ‘Can’? And Did Kant Think It Does?” *Utilitas*, 16 (1), p. 46.

2. If it is not the case that A is blameworthy for not X-ing, then it is not the case that A ought to X.

3. Therefore, if A cannot X, then it is not the case that A ought to X.³¹

I think that both premises of **AB** are false but in particular I start with premise 2. I hold that A may not be worthy of blame for not X-ing yet still obligated to X.

To understand my argument against the premise, it is necessary to first define what it means to be blameworthy. Following Peter Graham, I hold blameworthiness to be the following:

S is blameworthy for x-ing [if and only if] it is appropriate for resentment, guilt, or indignation to be borne toward S on account of S's x-ing.³²

This still leaves open what it means to be “appropriate,” but the vagueness will not affect my argument against **AB**.

AB takes it as true that if a person has the obligation to act and does not act, then she deserves resentment, guilt or indignation, i.e. that the individual is blameworthy for

³¹ From Brown, James. (1977). “Moral Theory and the Ought—Can Principle.” *Mind*, 86 (342), p. 209. The argument could equally well be formulated as

1. If A ought to X, then A is blameworthy for not doing X.
2. If A is blameworthy for not doing X, then A can X.

3. If A ought to X, then A can X.

³² Graham, Peter. (2011) “Fischer on Blameworthiness and “Ought” Implies “Can.”” *Social Theory and Practice*, 37 (1), p. 67.

her actions. This is the contrapositive of premise (2) from above. However, there are counterexamples to premise (2), such as the following case:

Suppose that I leave a party and accidentally, but justifiably, take the coat of another person, because his coat looks identical to mine.³³

In this case, I ought not to take the coat (I ought not to take others' possessions) yet I do not deserve blame for taking the coat simply because of my ignorance. My accidental wrongdoing is not a cause for blaming me. I have a justified excuse.

A person might object that I do deserve blame. If it is not my coat then I should not take it and if I should not take it then I am blameworthy for taking it, regardless of any similarity to my own coat or the accidental nature of the action. With this objection, it appears that any moral mistake entails blame. And this might be how some people view the situation: if I make a mistake and act how I ought not to act, then I deserve blame.

However, we do not blame individuals for some mistakes. These mistakes might cause problems and should not happen yet the people involved deserve no blame. We do not want to say the coat-taker deserves *blame*, but rather that he still *ought not* to take the coat. He should not have taken the coat even though he is not deserving of blame for the action.

Similarly, if John was robbed (or some unfortunate accident occurs) on his way to pay back a loan, we do not say that he is blameworthy for not paying back the loan. Yet it would also be absurd to say that his obligation to pay back the loan is now wiped out. There are occurrences, for reasons besides ignorance, in which we are not blameworthy

³³ *Ibid.*

for our inability; yet that simple lack of blameworthiness does not entail that our obligations disappear.

A question arises here about a certain characteristic of “ought.” There are a number of possible interpretations for an understanding of “ought” based on a distinction between *subjective* and *objective* obligations. It is controversial what fits into each category. Philosophers have made distinctions between the subjective and objective in numerous ways.³⁴ The general distinction is between an act that is *actually* the best (e.g. you ought to do what is best) and an act that the agent *believes* is the best (e.g. you ought to do what you believe to be best). The former are objective obligations while the latter are subjective obligations.

Subjective and objective obligations relate differently to blame. Generally, blame is attached if we do wrong in the objective sense, regardless of our knowledge of the wrong, whereas in the subjective sense blame is attached only if we knowingly do wrong. In an *objective* sense, I ought to leave the coat. Given that the coat is not mine, regardless of what I know, it should not be taken and I deserve blame. However, in a *subjective* sense, I do what I *believe* I should, which is to take the coat (which I believe is mine). In the subjective sense, it is not the case that I ought to leave the coat and I do not deserve blame.

However, blame need not attach to both senses of “ought.” As Michael J. Zimmerman says

³⁴ For a number of examples see Zimmerman, Michael J. (1996). *The Concept of Moral Obligation*, Cambridge University Press, p. 10-13.

...one is to *blame* if one fails to do what one thinks one ought (in the only respectable sense) to do.³⁵

If an agent does not do what she thinks she ought (the subjective sense) then she deserves blame. This is unrelated to what she ought to do in an objective sense. Rather, she deserves the blame for acting against what she thought she ought to do *regardless* of what it is she actually ought to do (the objective sense). In this way, blame attaches to the subjective sense but not the objective sense.

Given that, as the above argued, there are times when a person ought to act when she is not blameworthy for not acting (e.g. when she is robbed on her way to pay back a loan), “ought” is understood here as the objective sense. I take the objective sense as the *only* correct understanding of “ought” and the subjective sense as some derivative understanding that does not capture what “ought” really means.

A person might object that the objective sense is useless in deliberation. It is a god’s eye view of the situation, holding that there is a certain way that is the best, regardless of what we believe to be the best. We can never take this objective position, so it is unhelpful in deciding what we ought to do.

In response, an objective view is still the standard for deciding how to act. What we ought to do is not simply what we believe we ought to do; rather, it is a normative standard independent of beliefs about the situation. Our beliefs about what we ought to do often track the objective sense, even though those beliefs are fallible. This tracking provides justification for holding that what we ought to do is based on our beliefs. However, what we ought to do is not based on our beliefs, for sometimes we do not

³⁵ Zimmerman, Michael J. (1996). *The Concept of Moral Obligation*, Cambridge University Press, p. 13.

correctly recognize what we ought to do, and we are able to, after the fact or through other means, recognize that we were wrong. What we ought to do is not fallible whereas what we believe we ought to do is fallible.

The following example gives further justification for the disconnect between blame and obligation:

Suppose...A has an obligation to bring about B's possession of a book. If A scrupulously takes appropriate steps but the book [gets lost in the mail], then he is blameless although his obligation remains unfulfilled.³⁶

A tried as hard as he could to bring about the fulfillment of the obligation and only an unfortunate break makes it the case that the obligation goes unfulfilled. In this case, A is not blameworthy even though he has the obligation.

Relatedly, sometimes we might blame individuals even if they do not violate an obligation. The following example illustrates this:

Suppose I am at a party and, having seen someone come in wearing an expensive fur coat, I take the coat upon leaving, planning to sell it and enjoy my ill-gotten profits. Unfortunately, I

³⁶ Brown, James. (1977). "Moral Theory and the Ought—Can Principle." *Mind*, 86 (342), p. 216. He takes the idea from W.D. Ross.

forgot that I wore a similar fur coat to the party, and inadvertently took my own coat and sold it instead of stealing and selling hers.³⁷

I am blameworthy since I intended to steal the coat and carried out actions that I believed included stealing the coat, yet I did not fail in my obligation to refrain from stealing.

Moral obligation is not tied to moral blame. Moral obligation is not what it would be morally wrong not to do. Of course, morally wrong acts are tied to blame. As Stephen Darwall states:

It is a conceptual truth that an act is morally wrong if, and only if, it is blameworthy if done without excuse.³⁸

Yet while morally wrong acts are tied to blame, moral obligation need not be tied to either moral wrong or moral blame. Inaction on moral obligations need not implicate anyone as committing a moral wrong. It is both possible to act counter to a moral obligation without also committing a moral wrong *and* to act on a moral obligation while committing a moral wrong, as the above examples show. Moral obligations are what we are morally required to do but our actions related to the moral obligations do not necessarily attach either praise or blame. The evaluation of blame is separate from our obligation.

I object to premise (1) from **AB** as well and reject the connection between blameworthiness and a person's ability. For instance, as Walter Sinnott-Armstrong says:

³⁷ The example is from Roy T. Cook.

³⁸ Darwall, Stephen. (2012). "Bipolar Obligation," in *Oxford Studies in Metaethics*, v. vii, ed. Russ Shafer-Landau, pp. 333-367.

[w]e do blame agents for failing to do what they could not do if it is their fault that they could not do it. For example, we blame drunk drivers for not avoiding wrecks which they could not avoid because they got themselves drunk.³⁹

Before the driver got himself drunk, he could avoid the wreck. And at that point he *could* have prevented the accident. He *could* have chosen not to drink or he *could* have taken steps to insure he would not drink and then drive. Yet he did not. And, once he *did* drink, with the alcohol in his system, he *could not* avoid the car crash, i.e. it was not in his ability to stop the car accident. But we would not say that the driver was not to blame for his inability – if anything, he is more to blame even though he was unable to do anything about it. It would not suffice to suggest that we blame him for being drunk as opposed to crashing the car. He is to blame for both. I have never heard anyone suggest that a drunk driver was not at fault for a crash because he was drunk. Once behind the wheel he did not have the ability to avoid a car crash due to his impairment even as he is blameworthy for the crash.

The lack of connection between blameworthiness and ability provides an intuitively appealing consequence. A person might claim that she is not blameworthy because she is unable to act. However, if we sever blameworthiness and ability, an inability to act does not necessarily mean that a person avoids blame.

³⁹ Sinnott-Armstrong. (1984). “‘Ought’ conversationally implies ‘Can.’” *The Philosophical Review*, 93 (2), pp. 250-51.

These examples together show that blameworthiness is not necessarily connected to either obligations or ability as **AB** suggests and thus that **AB** is unsound.

5. The Ability to do Otherwise

This section investigates consequences for **OIC** related to the ability (or inability) to do otherwise. The general idea is that, if it is necessary for me to perform a certain action, but that action is opposed to my obligation, then we have an example of “ought” not implying “can”. The difficult task here is finding an instance of genuine inability to do otherwise in a circumstance covered by **OIC**. We do not want an objector to suggest that the examples are only extenuating circumstances. The subsections below progress through examples that show there are instances where we cannot act on obligation because of an inability to do otherwise.

The section begins with the Principle of Alternative Possibility (**PAP**). **PAP** states that a person is morally responsible for what she has done only if she could have *not* done it. It is a principle used in literature on freewill and responsibility. The motivation behind **PAP** is the idea that, if we have no alternative option available for our actions, then what we do is necessary. If we must act in a certain way, then we cannot be responsible for the action. Some argue that if **PAP** is false, then so is **OIC**.⁴⁰ I explain this in detail below.

There is a way for an apologist to maintain **OIC** even given a rejection of **PAP**. Yet, building on the discussion of **PAP**, that way is seriously undermined through an investigation of psychological compulsion and automatic reflexes.

⁴⁰ Schnall, Ira. (2001). “The Principle of Alternate Possibilities and ‘Ought’ Implies ‘Can’.” *Analysis*, 61 (4), pp. 335-340.

Still, one could claim that instances related to **PAP** and automatic reflexes are outside the scope of **OIC**. In other words, these are not the relevant types of cases that **OIC** is meant to cover. Yet, even if automatic reflexes are extraordinary circumstances, there are times when we have obligations to have certain emotional responses that we cannot have. These obligations to have emotional responses are prevalent and not atypical. As such, the obligation to have emotional responses and the inability to do so shows that there are instances when we have an obligation that we cannot act on because of an inability to do otherwise.

In each example, a person could claim, in order to save **OIC**, that either:

- #1 There is not an obligation in this instance.
- #2 There is not a lack of ability in this instance.
- #3 The example is outside the scope of **OIC**.

In the first and second subsection, #1 and #2 do not suffice to counter the argument. However, we must contend with #3. The third subsection (5.3) further builds on the previous two subsections with an example that is surely within the scope of **OIC**.

5.1. The Principle of Alternative Possibility

Harry Frankfurt argues against **PAP** with an example similar to the following.

Suppose there is an evil villain who knows exactly what Sam will do at any given moment and that the villain can make Sam do anything. The villain is prepared to manipulate Sam's behavior if Sam acts in a way the villain does not want. The villain wants Sam to kill George. If Sam does not kill George in the way that the villain wants, then the villain will make Sam kill George. It turns out Sam does exactly what the villain wants: he kills George and the villain did not need to interfere at all.^{41, 42}

In this case, Frankfurt argued, Sam could not have done otherwise. Frankfurt also argued that Sam should be held morally responsible for his actions. Frankfurt argued this because, even though Sam had no alternative, he *chose* to act in the way he did. Sam is morally responsible because he freely chose to kill George and wanted to do so, even though he had no alternative.

If Frankfurt is correct, then a lack of alternative possibility does not necessarily negate responsibility for action. There are instances when an individual has no alternative but can still be held accountable for her actions. Some philosophers have argued that an acceptance of Frankfurt's argument entails that **OIC** is false as well (Frankfurt did not

⁴¹ Frankfurt, Harry. (1969). "Alternate Possibilities and Moral Responsibility," *The Journal of Philosophy*, 66 (23), pp. 829-39.

⁴² If evil villains are too farfetched, we could use the following example: suppose that I am poolside in my swimsuit and I see someone drowning in the water. I can swim, and saving the person would be no hardship to me. Unbeknownst to me, there is a sharpshooter on the roof across the street that will shoot me dead the moment I stand. However, I do not stand, as I choose to let the person in the water drown. I ought to save the drowning person but I cannot (since, even if I desired to do so, I would not). The example comes from Roy T. Cook.

hold this though).⁴³ Sam is morally responsible because he ought to refrain from killing George. Yet Sam cannot refrain from killing George. Thus Sam ought to X and he cannot X, showing **OIC** is false.

We now turn to possible responses by an **OIC** defender.

5.1.1. Sam does not have the Obligation

A person might say it is not the case that Sam ought to refrain from killing George. Perhaps in the truly extreme instances (e.g. lack of ability) it is not the case that the person ought to refrain from an action. In this sense she is not responsible for her action. In courts of law people are sometimes not held accountable when it does not appear that they could have done otherwise. While a person may be censured for her actions or taken out of society, it was not in her control (and so it is not the case that she ought to have refrained), even though, for the sake of a well-maintained social order, she must be confined and treated.

Arguing a rejection from **PAP** to a rejection of **OIC** is based on a link between moral responsibility and moral obligation. As the Argument from Blameworthiness showed, moral blameworthiness need not affect moral obligation at all. In a similar way, responsibility need not correlate to obligation either. The understanding of moral obligations used here is that they are moral requirements, *not* that they necessarily relate to responsibility. Sam might be less responsible for the consequences of his behavior because he did not have the possibility of alternative behavior. However, the absence of

⁴³ Schnall, Ira. (2001). "The Principle of Alternate Possibilities and 'Ought' Implies 'Can,'" *Analysis*, 61 (4), pp. 335-340.

moral responsibility does *not* entail the absence of obligation. Alternatively, Sam might be responsible for his action because he chose. Still, his moral obligation remains uncorrupted regardless of the status of his responsibility.

5.1.2. Sam *can* refrain from killing George

This response focuses on what it means to act. As Hanna Pickard says,

...we commonly hold that what makes a piece of behavior an action, as opposed to a mere bodily movement, like an automatic reflex, is that it is voluntary.⁴⁴

Sam *voluntarily* kills George. A person might argue that, if he had chosen *not* to kill George, he would have killed George involuntarily. As the latter killing would be a “mere bodily movement,” it would not be Sam killing George. Instead, it would be the evil villain doing the killing and using Sam as an instrument. Even if it were Sam’s physical body, it would not be Sam acting since the movement is involuntary. As Sam would not be acting, he would not be killing and so Sam can refrain from killing George.

However, it is disputable whether Sam *can* refrain from killing George if he is not acting. If we go back to review the counterfactual definition of “can,” we see that, assuming Sam desired to refrain from killing George, whether this interpretation of the situation is consistent with the definition of “can” depends on what it means that “S

⁴⁴ Pickard, Hanna. (2015). “Psychopathology and the Ability to Do Otherwise,” *Philosophy and Phenomenological Research*, 90 (1), p. 138.

performs X.” Does Sam refrain from killing if he is not acting or does the automatic reflex of his being manipulated by the evil villain still count as him killing?

It is consistent with the counterfactual definition of “can” that we still X even if it is not voluntary. That is why the use of “performs” is important in the definition. To perform X implies either voluntariness or involuntariness. In this sense a performance could be outside our control. So, even if Sam desires to refrain from killing George, he still performs the killing of George. While Sam might not have responsibility for an involuntary behavior, involuntary behaviors are still behaviors. Sam’s involuntary behavior of killing George is an instance of S not performing X (where “X” is “refrain from killing George”), even though he desires to X. As such, he cannot refrain from killing George.

The usage of “performs” might appear *ad hoc* in this circumstance. A person might claim that I am using “performs” specifically for the purpose of an argument against **OIC**. However, that person would be incorrect. What we can or cannot do includes our involuntary actions. If I am forced to kill then I cannot refrain from killing, regardless of whether my action is involuntary. The usage of “performs” includes this aspect of “can.”

Similarly, we can create other examples to further elucidate the issue of performance. Winston is tied up and held captive. A man brings in another person that Winston does not want to kill. The man puts a gun in Winston’s hand and physically forces him to pull the trigger. Winston has the obligation not to kill this person. However, Winston cannot refrain from killing the person – since he is impelled to act – regardless

of his desires. Surely he is not morally responsible for the situation. Still, he ought to refrain from killing yet he cannot refrain from killing.

In response to this section, a person could argue that situations in which we are compelled by *external* entities are not relevant examples for **OIC**. Of course, she claims, we have certain obligations, but if someone or something coerces us to act counter to our obligations then the cases are not within the realm of **OIC**. In other words, she might claim that these situations do not threaten the principle.

However, in the next section we will see similar cases to ones in this section that occur with *internal* compulsions.

5.2. Psychological Compulsion and Automatic Reflexes

Building on the discussion of **PAP**, we look at instances where a person is not being coerced yet she cannot do otherwise than she does. We begin with an investigation of psychological compulsion.

Compulsion – “an insistent impulse to behave in a certain way, contrary to one’s conscious intentions or standards”⁴⁵ – is a paradigmatic example often used against **OIC**. If a person does not have the ability to do other than she does, and what she must do is antithetical to her obligation, then she would have an obligation without the ability to act. Examples of psychological compulsions include addiction, kleptomania, and obsession. We focus here on kleptomania.

A kleptomaniac is defined as someone who has a psychological compulsion to steal. She is unable to refrain from stealing. Some aspect of her constitution makes it the

⁴⁵ “Compulsion.” (2016). *Oxford English Dictionary*, Oxford University Press.

case that she must steal, even if she recognizes that she should not or even if she does not want to steal. Yet, at the same time, the kleptomaniac has the obligation to refrain from stealing. The kleptomaniac is morally required not to steal even though she cannot refrain from stealing, i.e. the kleptomaniac ought to refrain from stealing even though she cannot refrain from stealing. Thus, **OIC** does not hold.

However, there is strong psychological evidence that compulsions such as kleptomania actually do allow individuals the ability to do otherwise.⁴⁶ In other words, even though kleptomaniacs have the urge to steal, they still in fact *can* refrain from stealing. Psychological compulsion, given the research, is “impaired control relative to the norm,”⁴⁷ but not genuine instances of an inability to do otherwise. Since research on psychological compulsion suggests that a person *could* do otherwise than her compulsive behavior, the usefulness of psychological compulsion in arguments against **OIC** appears squashed.

Yet there are still cases in which people are unable to do other than they do even as they have the obligation to do otherwise. As Pickard states:

Sometimes people do lack the capacity for behavioural control due to the effect on executive function of their emotional or physical state, in which case their behavior approximates an automatic reflex rather than being self-evidently an action. This can be true of all of us...⁴⁸

⁴⁶ See Pickard, Hanna. (2015). “Psychopathology and the Ability to Do Otherwise,” *Philosophy and Phenomenological Research*, 90 (1), section 2.

⁴⁷ *Ibid.*

⁴⁸ *Ibid.*, p. 156.

There are times when the ability to do otherwise is absent. These occur when we cannot make conscious choices because of some mitigating circumstances that affect our executive functioning. Consider the following example.

Jill's son is dangling dangerously from playground equipment. Jill is close by watching the situation. She recognizes the situation and wants to help her son. However, Jill becomes so afraid that her executive functioning stops working, she is unable to think straight and she becomes incapable of moving.

In this scenario, Jill has lost the ability to use her executive functioning. Her lack of executive functioning might excuse her responsibility for consequences related to the situation but there is no reason to suppose her obligation to her son would be negated (this is similar to (i) from Sam's case). She ought to save her son but cannot because of her automatic reflex in response to the situation.

Unlike Sam's case above, an outside entity does not have the ability to manipulate Jill. Even if a person claimed *an* entity (e.g. her own brain functions) is causing her lack, it is an internal process that is the cause. However, if we go back to the counterfactual definition of "can," in this circumstance the burden is shifted from "S performs X" to "S desires X." Which are the closest possible worlds where Jill desires to save her son? I stipulated that she desired to save her son *before* her executive functioning stopped working. When the automatic reflex takes over, it still seems possible that Jill desires to

save her son. Emotional responses and automatic reflexes do not necessarily correlate. I could be “frozen with fear” yet still desire to run. As such, in the closest worlds where Jill desires to save her son (including the actual), she still does not because she is frozen. Thus Jill cannot save her son even as she ought to save him.

However, a person could again suggest that someone with an automatic reflex is not the relevant type of person to whom **OIC** applies. In other words, lack of executive functioning is another extenuating circumstance for **OIC** and obligation talk only applies to “normal” cases. In general, we prescribe obligations only when it is possible to act on them. In cases of automatic reflex it is not possible to act on the obligation. Thus it is outside the purview of **OIC**. The automatic reflex does not threaten the truth of **OIC** because it is atypical. A whole category of situations could be sectioned off as unrelated to **OIC**. Jill’s response is an automatic reflex and so does not threaten **OIC**.

This response opens the door for a wide variety of possible exceptions to **OIC**. It is unclear which cases should be viewed as atypical and how we define all the instances that fit in this category. While allowing an exception here may curtail the immediate problem, it would necessitate a comprehensive understanding of which behaviors are included or excluded in **OIC** and reasonable criteria for figuring out so-called atypical cases.

Regardless of the above burdens, even if a person holds the position that these cases are outside the scope of **OIC**, there are common, everyday situations like Jill’s situation that are surely within **OIC**’s scope. We turn to those now.

5.3. Emotional Responses

There are situations when we have the obligation to have certain emotional responses even when we are unable to do so. Consider the case of Kevin.

Kevin borrows his sister's car and crashes it by driving too fast. When he sees his sister, he tells her that the car started shaking when it hit 100mph. His sister says that he should have been more careful with her car and that he was driving recklessly. He recognizes that he ought to feel ashamed and he desires to do so, but he does not feel ashamed.

Kevin desires to feel ashamed and he ought to feel ashamed, yet he does not feel ashamed. Even if he tries, he cannot feel ashamed. There are times when we ought to have certain emotional responses, and we desire to do so, but we do not have the emotional response. Even in situations where I ought to be happy for someone, and I desire to be happy for them, it is not the case that I can therefore be happy for them. Our emotions are often outside our conscious control and even if we recognize that there is a certain feeling we ought to feel, we sometimes cannot make ourselves feel it.

The inability to control our emotional responses is a case when we *cannot* do otherwise than we do. Recognizing an emotional response and recognizing that it is not what we would like to or should feel is not atypical and our executive functioning can still work in these situations.

Even so, and even if others accept that having certain emotional responses are genuine examples of an inability to do otherwise, there is still a way to save **OIC**. A person could claim that emotional responses are not cases of moral “ought” but rather of appropriateness or etiquette. Or, perhaps, a person would claim that emotion is an aid to moral behavior but not part of it. Morality does not require a person to have certain emotional responses in various situations. Obligations of morality are requirements of actions independent of what we feel towards the situation.

Yet an emotional response is a *part of* an action. Consider the following example. I have the obligation to love my children. But suppose that I simply cannot feel this love. The obligation is not only about appropriateness or etiquette. The love shown to the children will help them develop into adults and function in the world. The love a person feels for her children necessarily shapes her actions towards those children. Without the parental love the children are being harmed. I could recognize my obligation to love my children and desire to do so while, at the same time, it could be the case that I cannot show love to my children.

Obligations related to our emotional responses are genuine moral obligations, not simply about properness or politeness but rather about what is morally required given the situation. Still, in order to avoid these cases and cases as presented above, it is a strategy of some authors to cordon a smaller category of what we can do in order to claim that **OIC** only applies these other cases. However, in the next section, I show that this strategy fails as well.

6. The Two-Sphere Revisionists

Various interpretations of **OIC** weaken it so much, or change the principle so drastically, that it is not really **OIC**. I call these interpretations “Two-Sphere Revisions.” The procedures of these revisions generally follow the same format: the author identifies a smaller sphere of application for **OIC** by restricting its scope. **OIC** only holds in the restricted sphere. In the other sphere there may be times when “ought” does not imply “can” but **OIC** still holds because this other sphere is outside the scope of the principle. Below I present a few of these revisions and show why the procedure is inadequate to save **OIC** as a moral principle.

6.1. Theoretical vs. Practical

Frederick Brouwer provides a two-fold understanding of **OIC** broken into a theoretical and a practical task. He says the following in reference to someone deciding what to do:

On the one hand, he should try by rational procedures to find out what he should do, and, on the other hand, he should do what after due reflection he thinks he should do. My suggestion is that “ought implies can” applies first of all to one’s theoretical task and derivatively to one’s practical task.⁴⁹

⁴⁹ Brouwer, Frederick. (1969). “A Difficulty with ‘Ought implies Can.’” *Southern Journal of Philosophy*, 7 (1), p. 48.

He suggests for the theoretical that, if some obligations are now practically unable to be satisfied, there may be a number of things that we can do. Perhaps we can acknowledge the obligation, we could resolve to find ways of fulfilling it in the future, or we might be able to obtain the aid of others in our attempt to fulfill it. Brouwer argues that the main point of **OIC** is that “we should follow the rational procedures that are available to us in our attempts to recognize and fulfill legitimate claims upon us.”⁵⁰ He says that our inability to act does not necessarily dictate a theoretical dismissal of an obligation. The theoretical allows that, through rational deliberation of moral considerations, we can figure out abstractly what to do based on what we should do *regardless* of individual circumstantial situations.

This, however, is really a rejection of **OIC**. Brouwer is arguing that we can theoretically have obligations to do what we cannot but that when we are acting we can only do what we can only do. This latter part is analytic. In practical, actionable situations, it is tautological to say that we can act when we can, regardless of theory. His theoretical distinction rejects **OIC** in favor of obligations without the limitation of ability.⁵¹

⁵⁰ *Ibid.* p. 49.

⁵¹ The related notion of a “moral remainder” could be useful here. The idea is that even when I cannot act as I ought, e.g. cannot keep my promise, I ought, e.g. express remorse, apologize, etc. One way to parse this is to say that ought is not vitiated by inability and that even if we cannot act we should respond with an appropriate feeling. See, for instance, Hursthouse, Rosalind. (1999). *On Virtue Ethics*, Oxford University Press, p. 44.

6.2. Ideal vs. Real

In a similar way to the above separation, G.P. Henderson argues that “oughts” are “ideal rules,” rules which we want to work towards, that remind us of the ambitiousness and possibility of human worth. The obligations are our highest goals. We can adopt and devise “cans” along the way to accomplish these goals, and what we can do to satisfy the “oughts,” we should.⁵² It might be that the “oughts” are an unattainable ideal, but ideals are not untrue simply because of the impossibility of achieving them.

Numerous writers express this view in differing ways. For instance, James Brown says that:

the rather narrow limitations of what a particular individual or mankind in general can do, do not constitute the measure of the morally excellent or of the morally tolerable...[M]an measures himself against high standards and does not tailor his standards to make himself look good against them despite his diminutive stature.⁵³

While the ideal statements might seem pointless, the point of saying “one ought to do what one cannot” is to show that the situation is unsatisfactory, that we should not be content and that it might be possible to fix the situation for the future. Often times, when a person does not act on his obligation, it is not because he *cannot* but because he *will*

⁵² Henderson, G. P. (1966). ““Ought” Implies “Can.”” *Philosophy*, 41 (156), pp. 109-110.

⁵³ Brown, James. (1977). “Moral Theory and the Ought—Can Principle.” *Mind*, 86 (342), p. 219.

not.⁵⁴ Having these high standards does not allow these types of individuals to shirk their responsibilities.

Here, “real” obligations are the ones that we can act on and **OIC** only holds for these. Theorists argue for “oughts” that are ideal and independent from the reality of the situation. **OIC** is rejected in the scope of these ideal “oughts.” Instead, we are supposed to strive to achieve the ideal “oughts,” even if it is impossible to achieve them. In the “real” situations, we can only do what we have the ability to do. In general, these authors are looking to convey a possibility of human achievement without limitations of supposed ability.

Once again, this is a rejection of **OIC**. The authors are suggesting that there are obligations that we have which we cannot act on but that in reality we can only do what we can do. Again, providing this tautology for the real world does not add much and does not save **OIC**. Ideal obligations are obligations that show we sometimes ought to X even when we cannot X.

6.3. Conversational Implicature

Sometimes, when a person *claims* that there is an obligation to X, she is implicitly holding that it is possible to X. This is the idea behind **OIC** holding for conversational implicature, i.e. speakers claim “A ought to X” only if A can X. **OIC** is then at most a pragmatic principle for conversation.⁵⁵ Knowing the “normal conventions of language” means that a person is able to infer that a speaker is committed to the truth of “A can X”

⁵⁴ *Ibid.*

⁵⁵ Sinnott-Armstrong. (1984). “‘Ought’ conversationally implies ‘Can.’” *The Philosophical Review*, 93 (2), pp. 249-261.

if he utters “A ought to X,”⁵⁶ and these rules of language are not rigid but rather can be broken if necessary without contradiction. The issue here is not about truth but rather the commitments of a speaker. There are principles and rules for conversational implicature put forward by H. Paul Grice, among others.⁵⁷

Paul Saka explains conversational implicature in the following way:

...although the bare fact of your being obliged to do A does not imply any capacity to do A, someone’s comment that you are obliged does have this implication, at least in typical contexts.⁵⁸

Obligations are referred to only when relevant and only when we can act on them. Without the comment there is no connection between the “ought” and “can”; it comes through in the context of conversation. For instance, suppose, while at lunch with a friend, I see someone choking across a highway. Then I may say “you ought to help him” to my friend, who could reply, “but there is a highway between us.” In that case, my friend assumed that the “ought” I uttered included the implication that she can act.

Conversational implicature is really a denial of **OIC** normally understood. We restrict the scope to conversation rather than discussing whether what we ought to do is restricted by what we can do. Even on this weakened understanding there is not a necessary relationship between “ought” and “can.” It is unclear how the restricted sphere

⁵⁶ Collingridge, D. G. (1977). “‘Ought-Implies-Can’ and Hume’s Rule.” *Philosophy*, 52 (201), pp. 349-50.

⁵⁷ Sinnott-Armstrong. (1984). “‘Ought’ conversationally implies ‘Can.’” *The Philosophical Review*, 93 (2), p. 255.

⁵⁸ Saka, Paul. (2000). “Ought does not Imply Can.” *American Philosophical Quarterly*, 37 (2), p. 94.

of conversation for **OIC** could be used to form a robust moral theory based on its acceptance.

While conversational implicature does not provide justification for **OIC** as a moral principle, it does provide an explanation for the strong intuition behind **OIC**. We only care about and talk about the “oughts” that we can perform because it has been taken as useless to talk about an “ought” that we cannot perform. We developed this conversational standard because in most everyday situations an “ought” that we cannot perform does not factor into our lives. And we generally accept as true that “ought” implies “can” because of this conversational implicature. While conversational implicature justifies our intuition, a strong intuition obviously does not equate to truth.

In conclusion to this section, the three above restricted scopes – theoretical vs. practical, ideal vs. real, and conversational implicature – are all attempts at formulating a way to save a workable **OIC**. Yet in each instance **OIC** is simply rejected and disguised as applying to a smaller domain. As such, restricting the scope of the principle does not provide a solution to justify acceptance of **OIC** for a theory of moral obligation.

7. On Futility

The authors in the previous section tried to keep some conception of **OIC**. They argued that **OIC** could be rejected in an idealized sense but that in everyday usage we could still keep it and use it in a restricted scope. The main worry of these authors appears to be that, in practical circumstances, we should hold principles (such as **OIC**) that do not create pointless consequences for a theory.

To elaborate, a person might argue that we must adopt **OIC** because its rejection would create a futile theory of moral obligation. A rejection of **OIC**, she might claim, amounts to the acceptance of a theory that allows for actions that some people cannot perform. The purpose of a moral theory is to elucidate how a person should act. Thus, a theory that calls for actions a person cannot perform is, at the very least, unsatisfactory for its purposes.

As the following will show, a theory that rejects **OIC** need not be unsatisfactory. First, the rejection of **OIC** does not automatically create a theory in which there are obligations a person cannot perform. We could replace **OIC** with a different principle that led to obligations we *could* perform. The rejection of **OIC** takes away a principle that keeps a theory from being futile, but other principles could serve that purpose as well.

Second, even if the rejection of **OIC** leads to a theory with obligations a person cannot perform, principles call for actions that are not performed for reasons besides inability, such as when individuals simply refuse to comply even if they could. For instance, there might be circumstances when people *will not* act and the obligation *would not* be satisfied, but we never claim that “ought implies *will*.” If a person said we should adopt **OIC** to avoid futility, then it seems we should adopt that “ought implies will” as well for the same reason.⁵⁹

Yet it is absurd to suggest a moral theory adopt that “ought implies will.” There are obvious times when we want to claim a person has an obligation to perform an action that she will not. We do not create a principle for a theory to reflect lack of action, even if the absence of the principle might lead to seemingly futile results. It is fallacious to adopt

⁵⁹ G.A. Cohen makes a similar point. Cohen, G. A. (2008) *Rescuing Justice and Equality*, Harvard University Press, p. 250.

OIC on the basis of there being some obligations we cannot perform because, by analogous reasoning, it would follow that we should also, alongside **OIC**, adopt the principle that “ought implies will,” since there are some obligations we *will* not perform as well.

Futility could disqualify certain *rules* that take into account *facts* if we are looking to understand how a person should act within a theory of moral obligation. But the inability of satisfying an obligation does not disqualify moral principles that the rules are based upon. Facts ground the rules “only in virtue of further principles that are not grounded in facts.”⁶⁰ Yet these rules do not justify the principles. Even if facts align with rules, the moral principles themselves are justified through means other than the rules.

When we are considering action within a theory of moral obligation that accepts certain moral principles, we can look to the rules for consideration of actions a person can do. However, moral principles need not be created with the consideration of whether they call for obligations that go unsatisfied for any reason. A seemingly futile consequence from the acceptance or rejection of a principle does not necessitate an unsatisfactory theory.⁶¹

8. Conclusion

In this chapter, I laid out a general conception of “ought” and “can” in order to afterwards refute the commonly held dictum “‘ought’ implies ‘can’” as related to

⁶⁰ Cohen makes the point for a similar argument. Cohen, G. A. (2008) *Rescuing Justice and Equality*, Harvard University Press, p. 251.

⁶¹ There are quite a number of other arguments against **OIC**, such as its incompatibility with determinism (Saka, Paul. (2000). “Ought does not Imply Can.” *American Philosophical Quarterly*, 37 (2), pp. 93-105)

morality. “Ought,” in the moral context, was taken as synonymous with “moral obligation” and “moral requirement.” “Can” was defined counterfactually. Next, the connection between blameworthiness and obligation or ability was severed with objections to the Argument from Blameworthiness. Continuing, I argued that there are genuine instances where we do not have the ability to do otherwise, but where we ought to do otherwise, and that these occur often when we have certain emotional responses but we ought to have different emotional responses. A person might argue that obligations to emotional responses are outside the scope of **OIC**. As such, I investigated some authors that restrict the scope of **OIC**. I showed why those restrictions are unsatisfactory to continue using **OIC** as a principle in a theory of moral obligation. Finally, I ended with an argument that *prima facie* futility does not require nor does it justify an acceptance of **OIC**. Moral principles need not take into account whether the principles will be acted upon. I conclude that a theory of moral obligation should not accept **OIC**.

Without **OIC**, we might ask what limits our obligations. Frances Howard Snyder raises this issue:

...why not say that I ought to go back in time and make it the case that the boulder never hits my friend. If she says that I ought to get the “thank you” note to my parents without the stamp, why not say that I ought to see to it that my parents can both live in the USA with me...and live in England...why not say that I ought to see to it that they are in two places at once? In other words, once one denies OIC, are there any limits set by *any kind of inability*? Does

logical impossibility cancel obligation? Does metaphysical impossibility? Physical impossibility? If there are limits, then one wonders what the explanation for those limits is...⁶²

Howard-Snyder argues that, if we make it the case that our obligations exceed what we can do, then it is not clear why we would stop at physical impossibility instead of, say, logical impossibility. If we are not limited in our obligations by what we are physically capable of doing, then are we limited by logical impossibility? If a child will die unless I can find a married bachelor (a weird scenario no doubt), *ought* I find a married bachelor? Note that this is not an argument against a certain limit for our obligations but rather a request to specify, with the rejection of **OIC**, *why* we should stop at a certain point and *how* we would know what the limits of our obligations are.

In the next chapter, I will address this problem. I will present an argument that includes obligations beyond what we can do while at the same time setting a clear justification for what we ought to do.

⁶² Howard-Snyder, Frances. (2006). ““Cannot” Implies “Not Ought””, *Philosophical Studies: An International Journal for Philosophy in the Analytic Tradition*, 130 (2), pp. 241-2.

Chapter 2⁶³

New Harms, Possible Alternatives, and Massive Moral Dilemmas

All human beings are now participants in a single, global institutional order...⁶⁴

1. Introduction

In the previous chapter I argued that “ought” does not imply “can.” Without **OIC**, there is the possibility that people have obligations they cannot satisfy, or what could be called “impossible obligations.” In this chapter, I will show why some intuitive defeaters of impossible obligations are incorrect *and* I will also give an argument for impossible obligations that is independent of those defeaters. I will argue that the obligation to refrain from harm entails that many of us have obligations we cannot satisfy.

The chapter proceeds as follows. First, I present some intuitive and compelling defeaters of impossible obligations. I show why these apparent defeaters do not actually preclude impossible obligations. Next, I argue that the distinction between positive and negative duties is fallacious and that traditionally held negative duties often require us to act in certain ways. In fact, I show some negative duties require a lot from us. One traditionally held negative duty that requires a lot from us is the obligation to refrain from harm. I argue that we each have the obligation to refrain from *agency threatening* harm. I go on to present an argument for refraining from harm related to the New Harms, which are agency threatening harms caused by many people worldwide. These New Harms include everyday actions such as driving fuel-inefficient cars. I then provide a similar but

⁶³ Throughout the chapter, “duties” and “obligations” are used interchangeably.

⁶⁴ Pogge, Thomas. (1992). “Cosmopolitanism and Sovereignty,” *Ethics*, 103 reprinted in *World Poverty and Human Rights*, p. 171.

more encompassing argument than New Harms. I argue that many of us are contributing to harm through our conformity with the harmful *current world order* and our failure to take possible alternative actions to that *current world order*. I recognize that while possible alternative action is individually possible for each obligation, when taken together, most of us cannot act on all our obligations to take possible alternative actions, i.e. most of us have *massive* moral dilemmas. I close the chapter by arguing that a proper response to moral dilemmas without **OIC** is the acceptance of obligations that we cannot act on, e.g. I have the obligation to take each possible alternative even though I cannot (although, of course, this does not answer the question of *how* to act in light of the dilemmas). I show that, as the world is now, the obligation to refrain from harm requires more actions than we can satisfy. It is currently impossible for us to completely satisfy our obligation to refrain from harm. Thus we have impossible obligations.

2. Defeating Some Defeaters of Impossible Obligations

Before turning to my argument for moral dilemmas, I will motivate the idea that impossible obligations are not so radical by showing both that others have made arguments with similar conclusions to my own and by exploring some obvious defeaters of impossible obligations and explaining why these seeming defeaters do not actually defeat the possibility of impossible obligations. Of course, allowing the possibility of impossible obligations does not establish impossible obligations. In the next sections I will give arguments for the impossible obligations.

2.1. Other Arguments with Impossible Obligations

There are other arguments in the philosophical literature that resemble – at least in the demandingness aspect – my argument. First, let us start not with impossible obligations but with incredibly demanding ones. We start here because it is a well-known argument. Peter Singer argues in *Famine, Affluence, and Morality* that people should be giving much more of their own resources to aid others around the world. Singer offers a principle – in a strong and moderate version – for understanding our commitments. Even with the moderate version, much more is demanded from us than people ordinarily think. The following is the moderate version of Singer’s principle:

If it is in our power to prevent something bad from happening,
without thereby sacrificing anything morally significant, we ought,
morally, to do it.⁶⁵

The key for this principle is what “morally significant” means. Even on a broad understanding, our daily life would change drastically with the acceptance of this moderate principle. We would have to devote much more of our time and resources to help those in need. Singer recognizes this necessity of dramatic changes to our daily actions and accepts this as a consequence of his argument.

Lisa Tessman takes an even stronger position in her book *Moral Failure*. She holds that we are subject to moral requirements, which we are unable to achieve, and that this is inevitable. There are “unavoidable moral failures from which there can be no

⁶⁵ Singer, Peter. (1972). “Famine, Affluence and Morality,” *Philosophy and Public Affairs*, 1 (1), p. 231.

recovery and in which there is no redeeming value.”⁶⁶ For Tessman, we are doomed to moral failure because of certain dilemmas and requirements, especially through the relationships we create with others. Tessman’s argument is primarily deontological whereas Singer’s is primarily utilitarian.

Henry Shue presents a similar argument to Tessman. Shue’s argument is related to his rights-based approach. He says that

...while it would be unhelpful to say merely that no right can be safely enjoyed unless numberless people perform innumerable duties, this is in fact the case.⁶⁷

There are innumerable duties that many must perform in order for others to safely enjoy their rights. It might seem *prima facie* absurd to argue for innumerable duties, similar to what my argument will be below, but Shue has his own argument for the incredible demandingness of his theory.

I will mention a few others briefly. Michael Stocker talks about “impossible oughts” that occur in moral dilemmas.⁶⁸ Christopher Gowans talks about “inescapable moral wrongdoing,”⁶⁹ in which, similar to Tessman, there is always some obligation we cannot satisfy. These theorists’ arguments show that my position is not so peculiar and

⁶⁶ Tessman, Lisa. (2015). *Moral Failure: On the Impossible Demands of Morality*, Oxford University Press, p. 3.

⁶⁷ Shue, Henry. (1980). *Basic Rights: Subsistence, Affluence, and U.S Foreign Policy*. Princeton University Press. p. 157.

⁶⁸ Stocker, Michael. (1990). *Plural and Conflicting Values*. Oxford University Press.

⁶⁹ Gowans, Christopher. (1994). *Innocence Lost: An Examination of Inescapable Moral Wrongdoing*. Oxford University Press.

that mine should not be dismissed outright for being, as Singer puts it, “wildly out of line with what everyone else thinks and has always thought.”⁷⁰

While I think there is some pessimism in the arguments of Gowan and Tessman, my argument will be optimistic. We might not be able to act on all our obligations, but there is a way to take into account this fact and work towards satisfying them in a meaningful way.

2.2. Seeming Defeaters of Impossible Obligations

There are strong objections to a theory with impossible obligations. First, I begin this section by addressing and responding to the concern of demandingness and inability. Second, I investigate concerns around impossibility and the necessity of having a sense of progress within morality. By addressing how it is possible to respond to some of these objections against impossible obligations, we can further understand how a theory can consistently hold that people have obligations that they cannot act on.

Related to impossibility, but slightly different, is the objection to “overly” demanding obligations. While impossible obligations would of course be included in this category, the opposite does not hold, i.e. often people feel that obligations, which are not impossible, may be overly demanding. Think of reactions to the “marginal utility” argument of Peter Singer, who does not argue we must do the impossible but does argue we must do *a lot*. There are numerous ways to understand what it means to be demanding – from too psychologically demanding to too epistemologically demanding (e.g. how do

⁷⁰ Singer, Peter. (1972). “Famine, Affluence and Morality,” *Philosophy and Public Affairs*, 1 (1), p. 238.

we know what we are supposed to do?).⁷¹ Regardless of which type of demandingness we are considering, it is clear that, as Matthew Braddock says,

[w]hat we think is too demanding is largely influenced by what people around us think is too demanding, much like, as a general matter, what we are likely to believe and do is influenced by what people around us believe and do.⁷²

Many of our beliefs, including our moral beliefs, are shaped by the culture we live in. This is not suggestive of moral relativism – it is simply a fact of how we form our moral beliefs, regardless of the correctness of those beliefs. What we think is morally obligatory or morally supererogatory is a product of our cultural upbringings. Different cultures have different moral demands. To understand what is *too* demanding we first need to figure out what morality requires.

The intuitive notions of what is overly demanding are quite disparate across cultures. Our intuitions about what is or is not too demanding could be radically different even given similar socialization processes. It is easy to find religious orders, social groups, and even nations that have varied intuitions about moral guidelines. Even between household members we find varying degrees of demandingness in moral beliefs. To suggest any extremely demanding argument cannot be correct is to simply beg the question. Morality might be demanding. It is not clear why extreme demandingness

⁷¹ Braddock, Matthew. (2013). “Defusing the Demandingness Objection: Unreliable Intuitions,” *Journal of Social Philosophy*, 44 (2), p. 170.

⁷² *Ibid.*, p. 175.

should automatically negate an argument. Rather, it is necessary to show why the very demanding claims are wrong.

However, the objection to what I will argue is not that the obligation is simply too demanding but rather that the obligation is *impossible*. Even if a person worked constantly to satisfy her moral obligations – if she did not eat or sleep and worked tirelessly towards satisfying her obligations – she would still never satisfy all her obligations. The problem is that, as Braddock suggests about arguments that employ impossible obligations, they “cannot do much philosophical work” and thus are not “terribly interesting.”⁷³ They cannot do much work because arguments with impossible obligations do not tell us how to act.

In other words, a person might object to impossible obligations because morality would not guide our actions if there were obligations that we cannot do. If I have moral obligations to act in ways that I cannot, the obligations do not tell me how to act. For I could try to act on the obligation yet, if it is truly impossible to act, I would never succeed. Accounts of obligations are importantly meant to guide actions and they do so only when the obligations are possible. Therefore, accounts of impossible obligations are, at the very least, unhelpful in guiding our actions.

However, obligations can guide actions even if a person cannot do what she ought. There are *degrees* of wrongness and one can act *less* wrongly. Thus there are not simply “categorical requirements but subsidiary requirements” of morality as well.⁷⁴ We can be guided by these subsidiary obligations. For instance, in a simple example, if I have twenty obligations, not all of which I can act on, it is still possible to act on some of the

⁷³ *Ibid.*, p. 173. Although perhaps we could call impossible obligations the extreme of moral demands.

⁷⁴ Graham, Peter. (2011). “‘Ought’ and Ability.” *The Philosophical Review*, 120 (3), p. 369.

obligations. And I should act on the obligations, because they are part of what morality requires. We might question what use there is in only acting on a portion of our obligations, but in the next chapter I will formulate a metric that can guide action without individuals being able to satisfy all their obligations. Obligation satisfaction need not be the metric for understanding moral success.

A person might question my response, for if she held moral judgment internalism – which claims that having a moral conviction is intrinsically motivating – then it is unclear how an impossible obligation could be intrinsically motivating. A moral judgment internalist holds that her belief that she has the obligation to X is connected to her motivation to X.

Suppose that I claim to be intrinsically motivated and believe that I ought to feed a million starving people. I might claim that I can work my way towards it without ever actually achieving all the actions. However, a moral judgment internalist could claim that it is unclear that I am achieving anything along the lines of “feeding a million starving people.” It is unclear how I could be motivated to feed a million starving people if I cannot do it, and if I am not motivated to feed the people then it is unclear that I can judge that I ought to feed a million starving people.

First, an initial response might be that the moral judgment internalist is simply wrong, i.e. having the belief that we ought to X does not give motivation to X. Sometimes we can recognize our obligations without being motivated to act on them. Perhaps this response is unsatisfactory, though. Second, it is not at all clear that moral judgment internalism suggests that being unable to X takes away a person’s motivation to X. Even if I am unable to X, I could still be motivated to do so. There is no reason why

working my way towards an unachievable goal cannot be intrinsically motivating, even if I know that the goal will never be reached. If I want to feed a million starving people and I am seriously motivated to do so, then I can work my way towards that goal and get as close as possible. The inability to feed them all does not mean that I have no motivation to try or to become better in my attempt. Likewise, moral obligations can still guide my actions even if I recognize that it is impossible for me to act on some of those obligations. I can do what is possible for me in order to work my way toward the goal. Thus the impossible moral obligations can still guide my actions by giving me directions to take even if I cannot satisfy them all.

There are other aspects of morality that might lead to impossibilities that we generally do not take as problematic. In the field of human rights, for example, we often accept the fact that people can have *rights* that they are unable to enjoy. This understanding goes as far back as Locke who held that, in the state of nature, people possess rights but are constantly under threat from other people, so that they are unable to enjoy the rights that they have.⁷⁵ A right to security may be infringed upon, yet that does not make it the case that a person has lost that right. Or, for example, we could consider the right to procreate. I assume that the right to procreate is a right for all. My having the right to procreate, however, does not mean that I have the ability to do so. Many people are unable to procreate, but it is clear that an individual who is unable to procreate still has the right to do so. My point is that, if we are willing to accept rights that are unable to be satisfied, then perhaps we can accept obligations that are unable to be satisfied as well.

⁷⁵ Reus-Smit, Christian. (2009). "On Rights and Institutions," in *Global Basic Rights*, eds. Beitz, Charles and Goodin, Robert. Oxford University Press, p. 33.

Impossible obligations are likewise troubling partly because we have been conditioned to accept a moral viewpoint based on physical proximity, e.g. the closer others are to me, the more responsibility I have to them. We have been conditioned this way because of our available options and knowledge in the past. When individuals have thought about morality before and around the 19th century, very few individuals could in fact affect any individuals spatially removed at great distances. However, the world today is economically and fundamentally connected through diverse pathways. We can reach the farthest point from us on the planet in a few days. We receive news and information of problems around the world instantaneously and we know of ways that we could positively affect others.⁷⁶ This alone shows that we *can* all act on at least some obligations to those far away from us.

Many have further argued, including Kant, that action (or sustained action) requires some sense of progress. We are psychologically set up to become hopelessly discouraged without this sense. Whether or not that is true, my argument does not suggest there can be no progress. For if we are working toward satisfaction of our obligations, even if it is currently impossible for us to satisfy them all, we can still see progress that would not be discouraging. The progress, however, will (almost certainly) not lead to some finish line at which point we can say that we have acted on all our obligations. There is always more for us to do. And, while the obligations are currently impossible given the way the world is, we will see that the obligations are not *necessarily* impossible. In other words, with improvements in the global infrastructure it could be the case that all our obligations are possible.

⁷⁶ Shue discusses this in (1988) "Mediating Duties," *Ethics*, 98 (4), p. 691-695. And, of course, Singer makes a similar argument in (1972). "Famine, Affluence and Morality," *Philosophy and Public Affairs*, 1 (1).

A person might object that I have taken reasoning completely out of context: it *does* matter what we are capable of doing in order to understand our obligations. If a person were doing all that is in her power to help others, it would seem that she is deserving of praise. Yet, from what I have said, that person has still not acted on all her obligations. Does that mean she is morally blameworthy?

There must be a distinction between, on the one hand, what is praiseworthy and, on the other, acting on all obligations. Perhaps a person could be praised for doing every action she possibly can in the context of moral obligations; that does not mean she is satisfying all her obligations. She might be praiseworthy in the sense that she is attempting to act on all her obligations even as it is correct to say that she cannot act on them all.

The question of evaluating others or even oneself is problematic in light of my argument. This chapter gives a presentation of obligations without consideration for how to evaluate people. And really, praise and blame are ancillary concerns for this project. Praiseworthiness seems important only insofar as it is a motivator for individuals to act, but not in and of itself as a moral issue.

In conclusion, we might wonder why someone would accept an argument claiming that we have impossible obligations. Or we might wonder how this argument could even *matter*, given that it does not inform us how to act. Even if we are incapable of acting on our moral demands, there can still be a point to the demandingness of morals. Perhaps, for instance, it gives us a sense of inspiration or awe to have demanding obligations. And even if there were no *point* to a theory of moral obligations that made

our obligations unachievable, “why should this bear on the normative question?”⁷⁷ In other words, there need not be a point to a theory beyond its correctness. Morality might simply be demanding.

Arguing against defeaters does not necessitate impossible obligations. Of course there are perceived defeaters and arguments against demanding obligations, but I will present arguments independently of responses to objections. There are independent reasons to hold that we have impossible obligations besides the fact that I can defeat objections to the position. Of course, there are more objections to impossible obligations than I have responded to here. But by showing the general possibility of impossible obligations I hope to have motivated the plausibility of my arguments in the next sections.

The argument I will present is not simply that we have obligations to those far away from us; rather, it is that we have obligations to those far away from us even if we are unable to act on all the obligations. The discomfort people feel in response to this argument comes minimally from the fact that the individuals we must help might be far away. The discomfort mainly comes from the conclusion that I could try my hardest and still be unable to satisfy all my obligations.

3. Positive and Negative Duties

There is a *prima facie* distinction between positive and negative duties. Negative duties include requirements such as the following: “do not kill, rape, hurt, or steal from

⁷⁷ Stern, Robert. (2004). “Does ‘Ought’ Imply ‘Can’? And Did Kant Think it Does?” *Utilitas*, 16 (1), p. 50.

others.” The requirements of positive duties include: “give food, money or donations to others.” It is held that negative duties are excellent candidates for universal duties (i.e. duties that all must act on) and positive duties are not. Henry Shue claims positive duties have a cost, and the cost is that they require some actions for satisfaction, whereas a negative duty “requires simply not interfering with others.”⁷⁸ To not interfere, he claims, is to avoid taking what we should not. Shue’s thought is that there are two aspects of obligations: first there is the obligation to refrain from violations (negative) and second there is the obligation to protect through certain measures (positive). The obligations, Shue claims, may divide into strictly negative and positive.

The discipline of human rights has generally focused on negative duties as more acceptable and easier to correct when there are violations. If we want to help someone, we look around to see who is violating a negative duty and then we can correct it by stopping the person who is violating. We know when a person is violating a negative duty because they are taking an action when they should be refraining from action.

Obligations to respect liberty have generally been included as negative duties that *all* must satisfy. Yet as Onora O’Neill has argued,

The institutions for securing and enforcing liberty rights require an allocation of certain obligations to specified others rather than to all others. First-order obligations to respect liberty rights must be universal, but second-order obligations to ensure that everyone respects liberty rights must be allocated.⁷⁹

⁷⁸ Shue, Henry. (1988). “Mediating Duties,” *Ethics*, 98 (4), p. 689.

⁷⁹ O’Neill, Onora. (2005). “The Dark Side of Human Rights,” *International Affairs*, 81 (2), p. 428.

In other words, we use such avenues as law enforcement officers to make sure that every individual is respecting the liberty of others. While there is a certain, first-order sense that we all have obligations to respect liberty, we still need to include a second-order enforcing mechanism to ensure the obligation to liberty is not violated.

We will see that many of our actions related to globalization make it that some traditionally held negative duties require actions from many of us. These obligations come with the knowledge that our smallest actions can affect many people spatially distant from us. It will be clear that negative duties to refrain are not as simple as was once thought, and that the way to allocate these negative duties is not as clear as was once thought either.

Still, some feel that there is a distinct difference between positive and negative duties. A person might object that, if negative duties require action, the duties might require me to give up a lot. The actions for negative duties might require me to give up a portion of my salary that would negatively affect my way of life. A person might say that this requirement is akin to robbery. To force my acquiescence when I have worked for what I have and to force my lifestyle choices because of the harm to others is a *much* different type of obligation than, say, my simply not actively going out to intentionally harm another individual. The satisfaction of negative duties should not be detrimental to a long-term sustainable society. Yet negative duties to refrain from actions which require many changes in others' way of life are problematic because such duties might require losing pay and other consequences that would be detrimental to a long-term sustainable society.

There are a number of responses to the objection. First, consider that we, in the United States, arguably already pay to support satisfaction of an obligation of physical protection. Our taxes provide the monetary means for police forces and measures to protect citizens. In a similar way our taxes could provide the incentives for changes necessary to act on other negative obligations. As Henry Shue states when considering the issue of obligations to subsistence (e.g. food, shelter and clothing):

I see no reason to believe that it would be any less expensive to provide the guarantees of physical security (against assault, torture, rape, murder, and so forth)...to those unable for lack of income to provide security for themselves...than it would be to provide the guarantees of subsistence...to those unable for lack of income to provide subsistence for themselves...⁸⁰

Both providing a national defense and providing food to others, for example, are costly prospects; however, the difference is the general acceptance of the necessity of providing protection such as a police force and the general rejection of the necessity of providing people food.

Of course, this type of objection is not new. Libertarian arguments against big government projects or intrusions on liberty are familiar.⁸¹ There is no reason to think, however, that any more “robbery” would occur to provide other necessities for certain obligations than for obligations to physical protection.

⁸⁰ Shue, Henry. (1988). “Mediating Duties,” *Ethics*, 98 (4), p. 688.

⁸¹ See, for a well-known example, Nozick, Robert. (1974). *Anarchy, State, and Utopia*, Basic Books.

Second, the point is not to force anyone to do anything but rather to show how obligations work. If it is true that traditionally negative duties require significant changes in our actions, then we need to change our way of thinking about the distinction between positive and negative duties. It does not mean that everyone will be forced to do something that they do not want. In fact, the conclusion can be drawn without any specification of how we should act in light of the obligations, e.g. if my actions are contributing to harm then I need to change them *somehow* but it might not be clear how. The next chapter (Chapter 3) takes up how we should act in light of the arguments presented in this chapter.

Third, what is detrimental to a long-term sustainable society is relative to each social situation and setting. I do not mean to downplay or understate the significant necessary changes to our lives that would occur in order to act successfully on many traditionally held negative duties. Whole structures of current governments would most likely need to change. My point is that it is not clear – given time to adjust to recognition of negative duties as requiring a variety of actions – that the strategy to satisfy the duties would be detrimental. It is a change that society would need to absorb, as societies absorb changes all the time. In a similar way, many other changes in society affect a way of life. It will be clear that traditionally negative duties require great changes in our actions and would affect our way of life, but what is not clear is that affecting our way of life is necessarily bad.

We must be careful when discussing the distinction between traditionally held negative duties to refrain and traditionally held positive duties to act. It is always the case that refraining from action does not require action in the first instance; however, in order

to refrain from one act a person may need to take a different action. In other words, what counts as an “act” when considering if a person “refrains” is frame-dependent. For we could hold the position that “if I fail to take any action, harm would occur.” In this circumstance, since I am refraining from action I am causing harm. Perhaps in this circumstance a person would say that the obligation is a positive one, since I *must* act. However, in order to refrain from harm when I *am* harming, I would obviously need to act differently. To suggest that I need to *stop* acting all together is incoherent. What I need to do is change my action to a different action. In other words, we could view the traditionally negative obligations as positive obligations to act in certain other ways than the one prohibited way of acting.

For example, if I have the obligation to refrain from stealing, then I must do any other action *besides* stealing, e.g. I could sit on the porch or swim or take a walk. The point is that the obligation to refrain from stealing can be viewed as an obligation to take an *alternative action* to the stealing. Of course an obligation to refrain from stealing does not seem to require a *specific* action. Yet we could, in theory, specify each alternative action and the obligation as a disjunctive choice between those actions. There is always *some* action that is necessary as an alternative to the stealing. Likewise, there is more than one action I must not take in order to refrain from stealing. By viewing the obligation to refrain from an action as an obligation to take an alternative action to those that I must not perform, we can reframe the negative duty as a positive duty to act.

Traditionally, negative duties have been considered satisfied when we simply avoid certain actions. In this section, I have argued that avoiding certain actions necessitates the taking of alternative actions. As we shall see below, in order to avoid an

action it sometimes requires great changes in our current actions. Many of our actions are currently interfering and in order to refrain from interfering we need to change our actions. There are many actions we must take in order to satisfy our obligation to refrain from harm that are incredibly demanding for us.

4. The Obligation to Refrain from Harm

In everyday, general situations, each person has the obligation to refrain from harm to each other person. I must refrain from harm to Jill, and I must refrain from harm to Jack, and I must refrain from harm to each person. There seem to be at least as many obligations for me to refrain from harm as there are persons in the world (perhaps there are more entities, besides persons, that I have an obligation to refrain from harming, but I leave that aside for now).

Yet we need not refrain from *all* harm. Some types of harm are necessary and/or beneficial (e.g. the harm in receiving a bad grade might make a student work harder for the next exam). Or consider the doctrine of double effect, which holds that some actions are permissible that cause harm as an unintended side effect. For instance, a person might argue that it is permissible for me to unintentionally kill another in self-defense.⁸² If I kill in self-defense there is harm occurring but the harm is an unintended side effect of a good (or neutral) action. In a case such as this, my harm is not *wrongful*. Likewise, there are numerous types of harms (e.g. financial, emotional, epistemic). We can satisfy obligations related to each harm. It is necessary to both specify how to include only

⁸² McIntyre, Alison. (2014). "Doctrine of Double Effect," *Stanford Encyclopedia of Philosophy*.

wrongful harm for the obligation to refrain from harm and the type of harm concerned for the obligation.

I take it as uncontroversial that wrongful harms include those that suggest a disregard for a person's capacity to act. If my actions violate another person's agency, then my actions violate my obligation to refrain from harm. Harms that violate another's agency are wrongful because having agency is a fundamental part of each person's existence. While some harms may be permissible, harms that interfere with or disrupt a person's capacity to choose and act (i.e. related to a person's agency) neglect basic personhood. We will assume that this basic personhood is unimpeachable for the argument. We will call these types of harms "agency threatening" harms.⁸³

The idea of "agency threatening harm" is meant to support intuitions about harm. A person might question whether I can threaten someone's agency in self-defense, or whether perhaps the failing of a student might count as agency threatening harm if I impair her ability to graduate, find a job, and thus impair her capacity to act. In what follows, we will see that the agency threatening harms relates to an agent's ability to subsist at a basic level of existence. This is the assumption for a minimal understanding of each person's obligation to refrain from agency threatening harm. From here on, discussion of the obligation to refrain from harm will assume only agency threatening harm.

The obligation to refrain from harm appears easily satisfied – in order not to harm, it seems that I must simply refrain from doing actions that would directly and obviously harm someone. So, for instance, it appears that I act on my obligation to refrain

⁸³ For similar ideas see, e.g., Griffin, James. (2008). *On Human Rights*, Oxford University Press; Mill, J.S. (1859). *On Liberty*.

from harm when I do not assault anyone, I do not steal food from anyone, and I do not impoverish anyone. We can identify the violators of these obligations because they are the people that do *not* refrain. The violators are the ones that assault, steal or impoverish. The obligation to refrain from harm seems satisfied by simple avoidance of action. Many cite John Locke as a proponent of duties to refrain. Locke famously argued, for example, that the

State of Nature has a Law of Nature to govern it, which obliges every one: And Reason, which is that Law, teaches all Mankind, who will but consult it, that being all equal and independent, no one ought to harm another in his Life, Health, Liberty, or Possession.⁸⁴

Locke thought reason shows that we ought not to harm others. For Locke, this meant we must not negatively impact the life, health, liberty or possessions of others.

The obligation to refrain from harm is generally considered a perfect duty.⁸⁵ What I mean is that the obligation to refrain from harm requires that we refrain from acting on *every* occasion when the opportunity arises. My obligation to refrain from harm means that I must *always* refrain from harm to each person. The obligation to refrain from harm requires action or restraint not merely in certain instances but rather in all instances.

⁸⁴ Locke, John. (1988). *Two Treatises of Government*, Cambridge University Press, p. 271.

⁸⁵ There are numerous ways that the distinction between perfect and imperfect duties has been drawn. George Rainbolt has identified at least eight different distinctions. See Rainbolt, George. (2000). "Perfect and Imperfect Obligations," *Philosophical Studies*, 98, p. 233.

Furthermore, in order to refrain from harm a person must not contribute to harm. This again seems uncontroversial. If I am contributing to the agency threatening harm of another person, then I am not satisfying my obligation to refrain from harm.

A large portion of what follows will turn on what it means to contribute to harm. There are a number of ways to understand this contribution. “Contribution to harm” might only include morally prohibited actions. In this case, the morally prohibited actions are found when a person violates an obligation. Yet we could also include as a contribution to harm our actions that *neglect to prevent* harm, i.e. we might say that a person contributes to harm if she is not helping to prevent or limit the harm. This chapter holds the former interpretation. I do not argue that a person is harming if she is not helping. It seems excessive to say that I must help stop all harms regardless of my *responsibility*. If the harm that is occurring is not the result of my actions or related to my actions in some way, it is unclear what would justify that I should be made responsible to rectify the harmful situation.

Rather, in this chapter I only argue that a person is harming if her actions are in some way contributing to the harm. This position is consistent with my focus on agency and a person’s capacity, i.e. each person’s situated position matters for understanding her moral obligations. We will see below that our daily actions are often contributing to harm in everyday circumstances. While I do not argue that we are harming by not helping, I will argue that we are often harming through our daily actions and that we must refrain from harm by altering our actions that contribute to the harm.

A person might object that obligations are more nuanced than I am making them out to be. Talking about “the obligation to refrain from harm” unjustly subsumes many

obligations under one heading. For instance, we have the obligation to refrain from stealing, the obligation to refrain from physical violence and the obligation to tell the truth. It seems that all these obligations are independent of each other yet they all contribute to harm in some way. A person might think that these obligations should not all be contained within the obligation to refrain from harm.

We will suppose here that the obligation to refrain from harm *does* subsume these various other obligations within its scope. All of the obligations listed above are a part of the obligation to refrain from harm. If I am stealing, then I am harming. I could satisfy the obligation to refrain from stealing without satisfying the obligation to refrain from harm, as I could be harming in other ways. However, I could not satisfy the obligation to refrain from harm without satisfying the obligation to refrain from stealing. We will understand the obligation to refrain from harm as an obligation that requires a multitude of other actions that are part of the obligation and that, if we do not act on all these parts, then we are not satisfying the obligation to refrain from harm.

A person might wonder whether the obligation to refrain from harm could ever be fully spelled out in terms of these other obligations. Is the obligation simply the conglomeration of all these other obligations or does it have aspects that make it different from a collection of these other, specific obligations? The question is interesting and worth investigating but it will not be investigated here. The question is superfluous for my point, which is that, even if it is simply the collection of these other actions, we will still not be able to satisfy our obligation to refrain from harm.

The short argument presented here will be used throughout the rest of the chapter below. We shall call it the BASIC ARGUMENT.

BASIC ARGUMENT

1. Each person has the obligation to refrain from agency threatening harm.
2. If (1), then each person has the obligation not to contribute to agency threatening harm.
-
3. Each person has the obligation not to contribute to agency threatening harm.

In what follows, I will talk about obligations that are part of the obligation to refrain from harm. I have said that the obligation to refrain from harm is generally seen as a negative obligation. Typically, people think violations of negative duties are engagements in prohibited actions. However, in the next section and in much of the rest of this chapter, a large part of my argument is that satisfying the obligation to refrain from harm demands that we make certain changes to our actions. While the position that refraining from harm requires changes to our actions might appear contradictory, in what follows I will show that our negligence and complicity with certain circumstances requires action in order to refrain from harm.

5. The Obligation to Refrain from Harm vs. The Obligation to Oppose Injustice

Before getting into the arguments, I will explain why I am framing the issue in terms of an obligation to refrain from harm instead of an obligation to oppose injustice. Part of my concern is justifying why we each have these impossible obligations. The obligation to refrain from harm provides support for my argument in a way that the obligation to oppose injustice would not.

Onora O'Neill notes that while it is uncontroversial for everyone to be obligated to respect the liberty of others (in the first-order sense described above), there is a problem of allocation with obligations to provide for others. In other words, we all can have the obligation to respect the liberty of others but it is not clear how to decide who has the obligation to provide resources to others. O'Neill argues that the obligations to provide goods must not be universal but rather must come through declarations or conventions of political institutions. And if these obligations cannot be universal but can only come through institutional organization, then they are not justified outside of the institutions.⁸⁶

Yet O'Neill also recognizes that the obligations related to supplying goods could "have utilitarian or economic justification" or have justification by appealing to "a theory of the good (moral realists) or a theory of duty (Kantians)."⁸⁷ While we might not be able to claim that the obligations to supplying goods are universal, we might be able to argue that many individuals have these obligations based on other moral considerations.

⁸⁶ O'Neill, Onora. (2005). "The Dark Side of Human Rights," *International Affairs*, 81 (2), p. 432.

⁸⁷ *Ibid.* p. 432-33.

I take this strategy of using other moral considerations to justify certain actions that support the supply of basic goods to others. My argument is that, given the current structure of global interconnectedness and the way that many people contribute to harm, to satisfy an obligation to refrain from harm includes, for example, taking alternative actions that do not hinder the supply of basic goods to others. I argue that we are keeping the goods from reaching others through our harm, i.e. by refraining from harm we will be allowing others to receive their basic needs.

However, a person might suggest that it makes more sense to argue for an obligation to oppose injustice instead of an obligation to refrain from harm. Through an obligation to oppose injustice I could make the case that, through my status as a citizen of a country or through my status as a citizen of the world, I have the obligation to oppose injustice for others worldwide and this justifies why I have obligations to supply basic needs. Whereas arguing for actions related to basic needs through our duty to refrain from harm appears a circuitously unnecessary task.

Given my own argument that positive and negative duties both include significant actions in order to satisfy them, a person might claim that I should argue for the supposedly positive duty to oppose injustice in order to justify the supply of goods. It could be argued that there is no justification for malnutrition in a world of plenty and the fact that people suffer it is a wrong or injustice. That, all other things equal, we have a moral obligation to oppose such wrongs and seek to right them and that this obligation is not defeated by inability to right the wrong. The obligation is not defeated by the fact that I personally do not make a major causal contribution to the wrong and it is not defeated by uncertainty as how best or most effectively to proceed. It is very clear, a person might

claim, that I am part of systems that are harmful to others in deep ways that are preventable, even if the harm is not immediately preventable by me.

The argument for obligations to oppose injustice is a possible route to argue for necessary actions similar to those of my argument. However, it is unclear that there can be a satisfactory account for my *responsibility* to satisfy the obligation. To claim I am responsible for the injustice to all or most as a citizen seems to unduly burden me with obligations that are not the result of any action by me. It is unclear how I could have all these obligations without being at fault for a violation. Obligations to oppose injustice seem to require that I must act, whereas obligations to refrain from harm specify how I must not act.

It is unclear that we all must do *what we can* as an issue of justice independently of any argument (especially with the rejection of **OIC** from the last chapter). Even if it were the case that we must do what we can to shoulder obligations to supply basic needs, I think there would be objections from many quarters related to our responsibility. I recognize that the previous chapter argued that moral obligations need not be tied to moral responsibility. However, I also recognize that, if we are morally responsible, there is a stronger claim to a moral obligation (and the last chapter focused on the position that we can have obligations without responsibility, not that we can have moral responsibility without moral obligations). For instance, a person might object that *she* is not responsible for another's plight that lives on the other side of the world. As such, even though someone might be in need, she could claim it is not *her* obligation to satisfy that need.

By showing how we are directly contributing to or causing the harm of others, through our actions, we can see significant specific responsibility for the harm on our part

and we can figure out steps we must take to work towards stopping our violations, i.e. we *are* harming and we need to refrain from that harm. While I think the obligation to oppose injustice and the obligation to refrain from harm could both lead to the same necessary actions, using the obligation to refrain from harm is a stronger argument because it explains why each of us is responsible for the harm and why each of us is violating our obligation. It is easy enough to say that we all have duties to those around the world that come from a sense of justice, but it is clear that many do not agree that justice requires them to help with others' basic needs. Yet if I can show that *we* are harming by interfering with another individual's supply of basic goods, for example, and so *we* must change our actions, then I will have shown why each person has these demanding obligations. Arguing that there is injustice does not explain *why* the injustice is my concern.

The following argument is driven by my commitment to a "contribution" theory. I will show how difficult it is to refrain from harm. We will see that the New Harms require many changes to our actions. In order to satisfy a so-called negative duty it is necessary for us to take an alternative action that *refrains* from the prohibited action. Yet the prohibited actions include more than we might think.

6. New Harms

Contributions to harm are often obscure. It is sometimes difficult to understand who violates an obligation in a world of complex choices and human imperfection. As Andrew Hurrell says, understanding who violates duties requires understanding

the complexity of the causal chains that might plausibly explain the nature of the threats and of the links between structural factors on the one hand and group and individual action on the other.⁸⁸

In our contemporary world, there are many causes and factors that account for a violation of an obligation, including a violation of the obligation to refrain from harm. It actually takes a lot of skill and time to understand what is necessary in order not to harm someone.

Refraining from harm might seem easy. We might think that it would not take much skill or time to change our actions in order not to harm. However, there are many things we ought to do to refrain from harm that are incredibly demanding on us because of the sheer amount of demands. For instance, many of the products that we use every day are causes of climate change: from the cars we drive to the plastic grocery bags we use in the supermarket. If we were truly to act on our duty to refrain from harm, we would need to minimize these types of behaviors. As Judith Lichtenberg points out in the following list, we all should also

...[t]urn off the lights. Use compact fluorescent bulbs (even if they produce an ugly glare). Drive a small, fuel-efficient car. Drive less. Take public transportation. Don't fly unless you really need to (no more trips to international conferences, no more exotic vacations).

⁸⁸ Hurrell, Andrew. (2011). "Another Turn of the Wheel?" in *Global Basic Rights*, eds. Beitz, Charles, and Goodin, Robert, Oxford University Press, p. 56.

Turn down the thermostat in winter. Turn off the air-conditioning in summer. Make sure your appliances are energy efficient. Take colder showers. Eat local...Don't eat factory-farmed meat...Don't drink bottled water....Don't use plastic bags...Recycle. Compost...Don't buy clothing made in sweatshops.⁸⁹

If we were really to refrain from harm we would, for instance, research which clothing is made in sweatshops and then avoid all of those clothes when we are shopping. Otherwise, we are not acting on our duty, because buying sweatshop-made clothing harms those who make the clothes. We are now all part of a global order in which our actions in one part of the world can affect individuals in a different part of the world. Our individual actions might make a miniscule contribution to the harm, but it is the aggregation of all these tiny contributions that causes the harms. Lichtenberg calls these “New Harms.” She claims we must refrain from harming others by ending our actions that contribute to this worldwide harm.

Before global communication and instant, twenty-four hour news, a person might have pleaded ignorance about the global harms. If it was not possible for me to know that my actions harm, she could claim, then I do not have the obligation to refrain from the harmful actions. However, with the advent of globalization we know about the situations of individuals worldwide and we can know how our actions affect and/or harm them. In other words, we can no longer plead ignorance. We are often well aware of the effects of our behavior on the environment and on others around the world. The fact that we know

⁸⁹ Lichtenberg, Judith. (2010). “Negative Duties, Positive Duties, and the “New Harms””, *Ethics*, 120 (3), p. 559.

our actions contribute to the harm of others supports the conclusion that we must refrain from these harmful actions.

In fact, given how much is necessary to act on the traditionally negative duties such as the obligation to refrain from harm, it might be the case that it is easier to act on the traditionally positive duties. For instance, when we consider

...a given unit of effort or money, a person can be more certain that her aid (say \$100 sent to Oxfam) will help someone than she can be sure that the equivalent amount (e.g. \$100 saved in carbon emissions) will avoid harm.⁹⁰

Leaving aside the question of how to make a comparative quantitative analysis between these values, we have the negative duty to refrain from harm (emitting carbon harms people) and the positive duty to provide aid. It is unclear that my saving on carbon emissions would affect much. There would still be an overall problem with carbon emissions even if I saved \$100. However, if I give \$100 to Oxfam, that money will go to help someone in need. I could have helped one person with this action whereas I would not have satisfied a negative duty with the reduced carbon emissions. This suggests that traditionally positive duties might in fact be easier to satisfy than the traditionally negative duties.

Of course we care about other aspects of obligations besides their ease of satisfaction. What is important to note, though, is that it might be easier to take an action

⁹⁰ Lichtenberg, Judith. (2010). "Negative Duties, Positive Duties, and the "New Harms,"" *Ethics*, 120 (3), p. 564.

related to a duty to aid as opposed to a duty to refrain from harm when we consider the necessary actions in a global and interconnected world. Refraining from harm has become a challenging task.

NEW HARMS

1. Each person has the obligation not to contribute to harm for each person (BASIC ARGUMENT).
2. Many of our daily actions contribute to the harm of others around the world – from the cars we drive to the clothes we buy (the New Harms).
3. If (1) and (2), then we have the obligation to stop contributing to the New Harms.

4. We have the obligation to stop contributing to the New Harms.

6.1. The Satisfaction Problem for NEW HARMS

Contributing to harm through the New Harms is one thing, how to stop our contribution to the harm and satisfy our obligation is another. I can recognize that I am contributing to the New Harms without knowing how or being able to stop. Given the global interconnectedness of the world, and given all the actions that I do each day that contribute to the New Harms (e.g. drive my car, use electricity, take hot showers), it seems almost impossible to completely stop contributing to the New Harms.

I do not believe this level of demandingness is the conclusion Lichtenberg meant to illicit when she introduced the New Harms. Rather, I think she wanted to show that we could and should be doing more to act in a way that does not harm people, and that we could be doing this by simple and small processes of tweaking our actions, e.g. drive less, take shorter showers, use less electricity. If I am able to recognize all of my actions that contribute to the New Harms, then I can try to minimize those actions.

However, unless I become a hermit, or “go off the grid” by changing my lifestyle to the point where my actions are not part of the global interconnectedness, it seems that some of my actions will necessarily contribute to the New Harms. For example, unless I completely stop driving I will contribute to the global warming that harms others. It is difficult to see how I could stop all the actions that are contributing to the harm of others related to the New Harms. To be optimistic, we might say that, at the current time, it is not the case that I can *realistically* stop contributing to the New Harms, but that perhaps in the future, with small incremental changes, it will be possible for me to realistically stop contributing. While it does not seem that the New Harms create impossible moral demands, they do, at least, create extremely stringent ones that seem unrealistic for satisfaction given the current structure of the world.

7. Possible Alternatives

With NEW HARMS we saw that many of our daily activities contribute to the harm of others. For example, our actions can support harmful labor practices through our purchase of items manufactured in sweatshops. In this section, I build a new argument

similar to NEW HARMS. I will argue that *passive* harm is also part of the obligation to refrain from agency threatening harm. Passive harm occurs when we support harmful institutions, practices or structures. In these cases, my actions contribute to harm through my complicity with harm. When we are complicit with harm, we are not refraining from harm as we are part of a harmful system. The complicity is at the very least negligence on my part. My negligence is a contributor to harm. So, for instance, if we were living with and supporting a harmful government, we would be passively contributing to harm. With the inclusion of passive harm the extent that our actions are contributing to harm will obviously be far greater than even the harm we contribute to in NEW HARMS.

With the inclusion of passive harms, we will see that most of our actions are related to the obligation to refrain from harm. We will see that almost all of our actions in everyday circumstances can contribute to the harm of others. The inclusion of passive harms show how complexly pervasive obligations are to all aspect of our everyday lives.

In order to avoid passive harm, we must not contribute to harm through our complicity with and negligence concerning the harm. This is the *passive harm premise* motivated below. After motivating this premise, I will argue further that, in order to avoid passively harming, we must not accept the *current world order* that harms, and in order not to accept the *current world order* that harms we must take an alternative action to our acceptance of that order. After making the argument I will present an example to show the consequences of the argument in a given situation.

Note that I discuss “complicity” and not “compliance.” The former concerns participation in some kind of violation or wrongdoing. I also take “complicity” to include a person conforming her actions to other actions that harm. “Compliance” concerns

meeting and acting in accord with rules, standards or orders. It is the former that I am concerned with here.

7.1. Motivating the Passive Harm Premise

The passive harm premise holds that we are contributing to harm when we support institutions, practices and structures in which harm occurs. There are situations in which we support harm by our complicity with the harm. This complicity with harm is a failure on our part to satisfy our obligations to refrain from harm.

The following two examples illustrate my point. First, during segregation, many white Americans harmed black Americans through actions such as lynch mobs and the enactment of segregation laws that obviously violated their obligation to refrain harm. Other white Americans thought that the laws and actions were wrong but also acted in accordance with the system and government that harmed black Americans. The white Americans supported the system that harmed the black Americans, i.e. the willingness of the white Americans to conform their actions to the system contributed to the harm of the black Americans. Second, during the holocaust, many Germans disagreed with Nazi actions, but some Germans also supported the system that harmed many people by acting in conformity with the system. The Germans acted in conformity with the harm by going along with the system that harmed many people.

Did these white Americans and Germans refrain from harm? They most likely would have said that they were not harming anyone. But they were contributing to harm through their actions that supported a harmful system. By even simply going to the

grocery, obeying driving rules, and obeying the laws put in place by the government, these individuals were contributing to the harm of others through their conformity.

A person might object that there is a difference between conforming with and supporting a harmful system or government. To “conform to” a government is to simply align my actions with the government, whereas to “support” a government would be to agree with and/or bolster the government. A person might have conformed with the Nazi government in order to stay alive while at the same time not supporting the harm of the Nazi government.

I do not mean “support” in the sense of a person giving her approval to the harmful government. Rather, the support I am concerned with is the support that assists the harm. So, while a person might not support the Nazi regime in the sense that she does not approve of it, she may still support it in the sense of assisting the regime through her conformity and actions that abide the governmental harm.

Each individual who conforms to institutional harm is contributing to that harm. There are a number of reasons for this. First, the harm – whether from an individual or a group – is between people. To argue that it is the institution at fault for the harming is to argue that the people within the institution are harming. A person might suggest that we not assign the harm to all within the institution, but the argument below will explain how all related to the institutional harm are contributors. Second, if it is possible for our actions not to conform to harm, then it is partly our actions that contribute to the harm. If I had not aligned my actions with the harm, my actions would have shown others that I refuse to support harmful acts. It is only when we refuse to support harm that we do not contribute to the harmful actions. Since we have the obligation not to contribute to harm,

and contributing to harm includes supporting harm, we have the obligation not to support harm as well.

A person might wonder whether we must know that we are conforming to harm or whether we are harming even if we do not recognize our conformity. It might seem problematic to suggest that I am harming through my actions if I am unaware of my harmful actions and if I am attempting to refrain from harm. In response, it is clear that knowledge of our harm is not synonymous with the harm. In other words, we might fail to satisfy an obligation even if we do not recognize that we are failing. If I do not recognize that I am supporting the harm through my actions, it does not mean that I am not supporting the harm. Rather, my lack of recognition is also a failure on my part to see when my actions are harming others.

7.2. The Current World Order

In this section I argue that having the obligation not to support harm implies that we have an obligation not to accept the *current world order* in the respects in which it is harmful.

7.2.1. What is the *current world order*?

The “*current world order*” is shorthand for the governmental, cultural, financial, and other institutions or practices run by people around the globe that play a role in each person’s daily activities. The *current world order* is meant broadly and abstractly as a

concept similar to that of the status quo. For instance, part of the *current world order* in the southern American states before the civil rights movement included the segregated policies of the government. The *current world order* encompasses all the global human networks that interact. As Thomas Pogge says: “All human beings are now participants in a single, global institutional order...”⁹¹ This “global institutional order” – the single community of all – is the *current world order*.

As people spatially distant from each other now interact and engage, actions of people on one side of the world affect people on the other side in ways that have not occurred before. There is, for instance, a way to find a relationship between a rural Indonesian and an urban Cuban through global financial and political avenues. We are now all connected and this connectedness comes through the *current world order*. The *current world order* is the background under which all actions are occurring on a global scale. It is the systems in place that are responsible for the current global framework.

When this global engagement occurs, the actions taken are, of course, not always propitious. In fact, many of the actions that we take, in relation to the *current world order*, violate our obligation to refrain from harm. We must now consider our actions on a global scale and consider how our actions relate to and affect those worldwide. Often times, we will find that our actions harm others and that we are not satisfying our obligation to refrain from harm.

It is possible to live outside the *current world order*. As discussed above, a person could “go off the grid” and become a hermit. In this way, some individuals might not be engaged. However, these individuals are obviously the exceptions to the rule. Most

⁹¹ Pogge, Thomas. (1992). “Cosmopolitanism and Sovereignty,” *Ethics*, 103 reprinted in *World Poverty and Human Rights*, (2008), Polity Press, p. 171.

people in the world participate in the *current world order* through their interaction with others in the contemporary global society and thus most people need to consider how their actions affect others and how their actions contribute to the harm of others.

7.2.2. How does the *current world order* contribute to harm?

The *current world order* often contributes to harm. When there is harm being done it is a failure in part of this globally interconnected system. Consider any action of a person and consider the institutions and governmental structures that necessarily play a role in the person's action. Unless we are completely isolated from all others, the *current world order* is related to all of our actions. The *current world order* can be harmful or beneficial. If there are good actions that occur, it is partly because we have the structural and educational system and knowledge to create those actions through the *current world order*. Likewise, when harm occurs, the reason is partly because of the way that the *current world order* is structured, from the education of the person who harmed to the organizations that facilitated the harm. The point is that we all (or almost all) necessarily live in a global system now and that this system is not neutral. We cannot consider actions without considering the system, for it is within the system that all the actions occur.

It is not always clear when the *current world order* is harming. It is probably not always the case that the *current world order* is a contributor to harm. If I wantonly decide to punch someone in the face, it is not clear that the structure of the world is somehow responsible for the harm. It seems that it is only me that is doing the harm.

Yet perhaps the *current world order* is partly responsible for the harm if I punched someone in the face. It is within this order that I was raised, within this order that my values were shaped and my education given. The *current world order* is contributing to the harm by shaping me before I act on the harm. When I punch someone, we need to consider my education, how I learned that it is okay to punch someone, and the media and other outlets that shaped my beliefs. When we consider the harm done and the relation of the *current world order* in this ubiquitous way, it does not appear so farfetched to argue that it is the *current world order* contributing to harm even in this situation.

A person might object that if the *current world order* contributes to harm when I punch someone in the face, then I have made the *current world order* a very thin concept. If the *current world order* is contributing to harm simply because it is present when the harm occurs, then we could also say that oxygen is contributing to harm because it is present as well. If we make the concept too thin it does not do any real work.

The objection touches on an important point and I will respond to it in two ways. First, a limitation of the *current world order* has been given – that of participation in the global institutional order that is now present. That is a real and relevant limitation and the limitation makes it the case that some individuals are not part of the *current world order* (e.g. those who do not interact in the global institutional structures). Thus, while the *current world order* does include most individuals and actions, it is not such a pervasive concept that it can be equated with oxygen. Yes, oxygen is always present and necessary, but oxygen is a neutral gas that is not made up of the actions of people. The *current world order* is made up of the actions of people and those actions are not neutral.

The second response to the objection that the *current world order* is too thin gives a more focused scope to the concept. While I do think that the concept includes most people and actions in this sort of thin way, for the purposes of this chapter I need not include such a sweeping indictment. This chapter will show that most of us have many more obligations than we could possibly achieve due to massive moral dilemmas. Even if the *current world order* only includes governmental institutions, these massive moral dilemmas will still exist. So, for the sake of a more acceptable interpretation of this argument, we can hold that the *current world order* includes all and only the global governmental institutions in existence. I think it is not difficult to accept that current global governmental institutions are harmful in certain ways. If we accept the *current world order* as synonymous with current global governmental structures, then it is not difficult to see how the *current world order* is harmful because we can see many of these governments are harmful.

As mentioned above, the *current world order* need not necessarily harm. It is possible that no harm existed in the world or that the only harm that did exist occurred outside of the *current world order*. Yet, in the contemporary world we live in, there is harm from the *current world order* and it seems there will be some form of harm for a very long time. The *current world order* is contributing to a multitude of harms and will do so for the foreseeable future.

7.2.3. How do we contribute to harm by accepting the *current world order*?

The *current world order* is made up of people. Actions that harm from the *current world order* are really actions by people. While we make different organizations or structures or entities as groups, all of our individual actions make up the composition of the *current world order*. In other words, the *current world order* is composed of actions of each individual within that order.

My actions contribute to harm when I accept the harmful aspects of *current world order*. If my actions are consistent with acceptance of the *current world order*, then my actions are in conformity with the harm. Consider again the white Americans before the Civil Rights movement. They conformed to a system that harmed, thereby contributing to the harm. Although it might be less transparent than in the case of the white Americans during segregation, the same type of complicity still exists for those of us now who are living in the *current world order*.

7.2.4. The *current world order* and the Passive Harm Premise

The Passive Harm Premise holds that, in order to satisfy our obligation not to contribute to harm, we have an obligation not to conform to harm. From the above, I have shown that if we accept the *current world order* that harms, then we contribute to harm through our conformity. Therefore, if we have an obligation not to conform to harm, then we have an obligation not to accept the harm of the *current world order*.

We have the obligation not to accept the *current world order* in each specific instance when the *current world order* harms. The type of harm and the way that the harm occurs will depend on the individuals involved in the harm. So, for instance, it will involve different actions on my part in order not to contribute to the harm of the *current world order* in the situation where a person is being starved and a situation where a person is being beaten. It might involve different actions on my part not to accept the *current world order* even for two different instances of starvation. What is important here is the recognition that there is not one, specific action we can take in order not to sweepingly contribute to the harm of the *current world order*. Different actions are necessary for different people in different circumstances in order not to accept the harm of the *current world order*.

Of course, if there is a single impediment that is creating harm, we can focus on that as a way to solve the problem. As Henry Shue says:

In general, when persons take an action that is sufficient in some given natural and social circumstances to bring about an undesirable effect, especially one that there is no particular reason to think would otherwise have occurred, it is perfectly normal to consider their action to be one active cause of harm.⁹²

Often, there is a recognition that specific people may be singled out as the main perpetrators of harm. These persons are obviously not refraining from harm.

⁹² Shue, Henry. (1980). *Basic Rights: Subsistence, Affluence and U.S. Foreign Policy*, Princeton University Press, p, 44

Shue uses torture as an example of a clear instance when a person violates an obligation to refrain from harm.⁹³ If A tortures B, he says, it is clear who has violated an obligation. We can pinpoint A as the violator of her obligation to B, while, it is supposed, all other agents do not violate their obligation to B. We are aware of who has failed in the obligation to refrain from harm.

First, I agree that A has violated her obligation to B in the torture case. This seems obvious. Yet my follow-up question is: Is A the only violator of her obligation? A person could respond that we blame, censure, punish or correct A in order to alleviate the wrong. Yet considering only person A gives an incomplete picture of the unsatisfied obligation. A does not satisfy her obligation to B when she tortures B, but others also do not satisfy their obligation to B when A tortures B. If B is tortured, the obligation to refrain from harm is not satisfied by others as well. Only a superficial understanding of the situation suggests that there is a clear, single violator of the obligation. Others who are a part of the *current world order* that complies with the torture of B fail in their obligation as well. It is only through a failure within the *current world order* that A is able to torture B.

Even if the main perpetrator is clear, the perpetrator is not the only contributor to the harm. We must ask: Who could have acted differently to stop the perpetrator? There must be a background and a system in which A is operating in order to torture B, and to assign only A the unsatisfied obligation is to view the world too simplistically (e.g. where are the safeguards for B's security?). We need to think about individual people and how they are situated in the world. Other captors of B are positioned to directly stop A. Outsiders are positioned to create a system in which A is educated or stopped or confined

⁹³ *Ibid.*, p. 103.

in order to keep B from the torture. The duties spread out in a certain sense but they are still there for all who are acting within the *current world order*.

7.3. Possible Alternatives

I will argue that, in order to refrain from contributing to the harm of the *current world order*, we must take possible alternative actions to our acceptance of the *current world order*. Consider again the white Americans and Germans. In many instances, they could have chosen to act in a way that did not support the system in which the harm occurred. Of course, to be accurate, often Germans had the choice of conformity or death. Yet if people could have acted against the regime without harm to themselves, then it was their obligation to do so (and some Germans did). We have the obligation to take a possible alternative action that minimizes or attempts to minimize the harm.

Alternatives are not always possible. As in the previous chapter, the question of what a person “can” do or “could have” done is important here. A person has a possible alternative action if and only if she *can* take a different action. In chapter 1, I developed a counterfactual definition of “can” in order to argue against a workable **OIC**. We will use that definition here again for the purposes of possible alternatives.

Counterfactual definition of “can”: S can X if and only if in the closest possible worlds where S overridingly desires to X, S performs X.

Possible alternatives are actions we can do. I cannot feed a million people because even if I overridingly desired to do so, I would not feed a million people. I cannot feed a million people so it is not a possible alternative for my actions that I feed a million people. I can feed one person if and only if it is a possible alternative for me to feed that person. I have an obligation to take a possible alternative action to the *current world order* that contributes to harm if and only if I have an obligation to do what I can to refrain from contributing to the *current world order*.

A person might object that, in the previous chapter, I argued that obligations are not limited by ability, i.e. I argued “ought” does not imply “can”. Yet here, when I talk about what a person *can* do, I am arguing that we have the obligation to take an alternative action when we can take an alternative action. Thus it seems here that ability and obligation are connected, which is an apparent contradiction to the conclusion of the previous chapter.

However, here I am arguing that an obligation to refrain from harm implies that, if we can act in a way that does not support the harm of the *current world order*, then we have the obligation to act in that way. In other words, the obligation to refrain from harm exists for everyone, but the obligation implies a requirement when it is possible to act. If we can, then we must act in a certain way.

The obligation to refrain from harm depends on a person’s ability because part of my project is to devise a theory of moral obligation that is reasonable. The theory needs justification for the obligations. If we can act, then an obligation applies to us. Even if “ought” does not imply “can,” it is unintuitive to wantonly place impossible obligations

on people without sufficient justification. We will see below that this theory still creates impossible obligations but that there is a reasonable justification for the impossibility.

I have not yet made clear how taking an alternative action avoids contributing to harm. There are generally many alternative actions I can take, and some of them might be more harmful than others. It is necessary to specify the alternative actions that do not accept the *current world order* in its harmfulness.

The alternative actions must act counter to the harm of the *current world order*. We act counter to the harmful aspects of the *current world order* when we recognize and attempt to align our actions against those harmful aspects. Note that the possible alternative action we take need not alleviate the harm. Rather, the alternative must at least be an action against the conformity. We can refrain from harm by not conforming to the way of the world that harms and changing our actions so they do not align with the harm of the *current world order*.

If we can avoid contributing to the harm from the *current world order* in a specific instance, then we have the obligation to do so. The consequent of the conditional does not necessarily entail that we will end the harm that we are working to prevent. However, we will be able to refrain from harm because we are not complicit in the harm. The more possible alternative actions I have, the more requirements I have to change my actions. Those with more opportunity have more demands on them in order to satisfy their obligation to refrain from harm. There are greater and lesser degrees of complicity.

A person might object that it appears this argument is unnecessary. For, she might claim, it seems clear that, if injustice is occurring, and I have an obligation to seek to right it, then accepting the status quo or the *current world order* is not an option. And that

I did not create the status quo and do not singly perpetuate it is no excuse. My obligation is not *founded* on my participation or acceptance within the world. Rather, the fact of a world order I cannot singly change and did not singly create is not a defeater of my obligation.

However, as mentioned above in the discussion on the obligation to refrain from harm compared to the obligation to oppose injustice, the problem is with the claim that *I have an obligation to seek to right the injustice*. Of course, if we have an obligation to seek to right injustice regardless of our participation in the injustice, then there are many actions we must do that we certainly cannot do. Yet it is clear that most people do *not* hold that we have an obligation to seek to right all injustice. I have not made an argument for that position. Instead, partly in order to make (what I see as) a more convincing argument, I have argued that we must take a possible alternative because our actions are contributing to the harm of others.

My purpose is to make a plausible argument for extremely demanding obligations. In order to do that, I must justify why we are responsible for many obligations that most people traditionally do not believe we have. The possible alternatives argument provides plausible justification for many demanding obligations. A claim, without justification, that we all must act to right all injustice is implausible.

A person might wonder whether we can know that taking a possible alternative to the harm of the *current world order* would produce better results as opposed to creating more harm in the world. We might be able to recognize when we do not contribute to certain harms from the *current world order*, but it is not clear that the lack of contribution will create a world in which less harm occurs. In other words, the alternative action that

we know does not act in accordance with the *current world order* might produce a worse result than if I had simply acted within the current world order. For instance, we could suppose that a German in Nazi Germany did act against the *current world order* and tried to help a number of people, but that she and all the people were killed as a result of her attempt. If a situation can occur in which acting against the *current world order* causes more harm, why should acting against the *current world order* be the goal?

Consequentialists are not the only ones concerned with consequences. I have an obligation to do my best to act wisely and effectively. I cannot satisfy obligations simply by acting without consideration of whether my methods do more good than harm. Of course, not any old possible alternative will do. The alternatives that I must take need to be ones that at the very least lessen the harm. In the next chapter I will discuss how we must use practical wisdom as a tool in deciding how to act.

My claim relating the obligation to refrain from harm with the harm produced through the *current world order* is not so unique. Other writers have made similar suggestions. Consider Elizabeth Ashford's stance as regards child labor. She says the duty that is principally created against child labor is

a duty to seek institutional reform, an integral part of which is to ensure that adequate economic opportunities are in place so that child labor is not the only available alternative to destitution. The duty to seek institutional reform is likely to lie with a huge number

of agents, and has not itself been specified and allocated among them...⁹⁴

Ashford's claim recognizes that there is a duty to seek changes to the *current world order* (which I have defined to include "institutional reform" among other entities) and that this reform lies with "a huge number of agents." She goes on to suggest that it might not be possible to identify those agents, but here I have identified the agents as all those who participate in the interconnected global order in respects in which it is harmful, to greater or lesser degrees, which includes almost everyone in the world.

We might wonder how "almost everyone" ought to respond to the demand for institutional reform as related to child labor. Ought we to find a specific child to help and work from the bottom up or ought we start with governmental reform and work from the top down? Again, I point to chapter 3 for an argument about how we ought to respond to the obligations that we have. What should be noted here, though, is that the obligation to institutional reform amounts to the conglomeration of the individual obligations we have to specific children. We only have the obligation to institutional reform because we have these specific obligations to the children.

The following is the POSSIBLE ALTERNATIVES argument from this section in outline.

⁹⁴ Ashford, Elizabeth. (2011). "The Alleged Dichotomy between Positive and Negative Rights and Duties." in *Global Basic Rights*, eds. Beitz, Charles and Goodin, Robert, Oxford University Press, p. 110.

POSSIBLE ALTERNATIVES

1. Each person has the obligation not to contribute to agency threatening harm for each person (BASIC ARGUMENT).
2. If (1), then we have an obligation not to contribute to harm through our conformity with harmful institutions, practices and structures.
(Passive Harm Premise)

3. We have an obligation not to contribute to harm through our conformity with harmful institutions, practices and structures.
4. If (3), then we have an obligation not to contribute to the harm of the *current world order*.

5. We have an obligation not to contribute to the harm of the *current world order*.
6. If we have an obligation not to contribute to the harm of the *current world order*, then we have an obligation to take possible alternative actions to acceptance of the harm of the *current world order*.

7. We have an obligation to take possible alternative actions to acceptance of the harm of the *current world order*.

7.4. An Example of POSSIBLE ALTERNATIVES

The following situation and subsequent discussion provide an example of some necessary actions from others given POSSIBLE ALTERNATIVES.

In a remote Bolivian village, a child does not receive the access to food that she needs. She is not starving but she subsists mainly on potatoes and other starches. The lack of a well balanced diet stunts her development.

Note, first, that the focus is on a specific child. Of course there might be many children in this village with the same problem, but I want to focus on a single recipient. Second, note that this is not a life or death example but rather one of development. My claim is that there is failure to satisfy the obligation to refrain from agency threatening harm for this girl. Third, we could add into the example that there was an obvious actor stopping the girl's access to food, e.g. a warlord in the region is cutting off an indigenous tribe's food supply. In that case, we could point to a single person or group that is disrupting a causal supply chain. Yet other people are acting and have acted in ways that align with this warlord's disruption of the supply chain. We will see that the warlord's presence matters for how to alleviate the harm but that the warlord's presence does not dictate who has failed to satisfy the obligation to refrain from harm to this girl. Those who are obligated

to act are, at the very least, mostly the same regardless of the warlord's presence because the failure to satisfy the obligation comes from the harm of the *current world order*.

Those who are harming the girl are those who are keeping her from proper nutrition. There are a number of plausible suspects. We might claim that the government of Bolivia should make sure its citizenry are properly fed and the government is contributing to the harm through inefficiency or other means that keep the girl from her food. We might also claim others are harming: people who are keeping the villagers in poverty through unscrupulous practices, or wealthy businesspeople that are syphoning resources away from this remote village... The list could go on.

We will look at specific individuals to see who is failing in the obligation to refrain from harm to this girl. We might suggest that the girl's parents are failing in their obligation to refrain from harm. They have the obligation to refrain from harm for their child and, by not providing her with proper nutrition, they are contributing to her harm. A person might ask what possible alternative the parents have to the current situation. Perhaps they could not move and they could not find work so there is no genuine alternative. I do not want to claim that the parents are necessarily the cause of or contribute to the harm, but if they are not aligning their actions against the harm of the *current world order* that harms, then they are contributing to the harm.

Of course, parents mostly do everything they can for their children. Sometimes alternatives are not possible for subsistence farmers who live in remote villages. It might be the case that the parents of the girl cannot realistically choose any alternatives to create a better situation for their daughter. They are stuck in their current situation through a number of factors that are beyond their control. And they are (or we can

assume they are) most likely doing all in their power to refrain from harm to their daughter.

Here we should reference back to the counterfactual definition of “can.” We might suppose that the girl’s parents have the overriding desire to help their daughter even though they do not do so. In other words, the parents cannot help their daughter and they do not have a possible alternative action to help her. In that case, the parents are not contributing or conforming to the harm of their daughter. Even if the girl is being harmed, it is not the parents that are contributing to the harm because their actions do not conform to the harmful situation, i.e. they are not contributing to the harm of the *current world order*.

Even if the parents cannot stop the harm, they are refraining from harm by recognizing the situation and not acting in conformity with the harm. The parents can see what needs to be done and from their perspective do what they can to avoid contributing to the harm. If they recognize the harm and align their actions against conforming to the harm, then they are refraining from harm in this situation.

What about the other people in the girl’s village? If they are contributing to the harm through their actions – by acting in ways that conform to the harm from the *current world order* – then they are contributing to the harm of the girl. The villagers could give her some of their own food (if they had some), or petition the government, look for non-governmental aid, or organize others to address the problem. Yet again, we could assume, for the sake of the argument, that some of these people are not contributing to the situation and that these people are not aligning with the harm of the *current world order* that is a part of the harm to the girl. These individuals might be working to provide food

to the girl or lobbying the government for aid or doing a number of different actions that recognize there is a problem in some important respects with the *current world order*. These individuals would be refraining from harm to the girl, but surely at least some of the villagers are contributing to the harm by conforming to the *current world order*.

As with the villagers, it is the same with the other individuals in the state, the country and all individuals worldwide. The governmental officials contribute to the harm because they are part of a system that is conforming to the harm. The other inhabitants of the country are harming as well if they are acting in accordance with the *current world order* that contributes to the harm of the girl. They could have lobbied their government, worked with other organizations, or simply brought her food, for example. Surely most people are not taking the possible alternative actions to the harm from the *current world order* and so are contributing to harm.

A person might object that it is not a possible alternative for many people to change their actions so as not to accept the harmful aspects of the *current world order*. In order to live and work for their own livelihoods, many people cannot realistically also work towards the proper nutrition of a girl in a remote village. To claim that these people living at a subsistence level contribute to the harm of this girl is to claim that every person worldwide contributes to any harm. For in a similar way we could argue that all people, throughout the world, could have changed their actions to *try* not contributing to the nutritional problems of this girl. And if so, then all people are contributing to the harm somehow and failing on their obligation to refrain from harm. Yet it is ludicrous to say, for instance, that a Minnesotan who works a day job at a factory for minimum wage

(or who is unemployed) and struggles to support her family contributes to the harm of a girl in a remote Bolivian village.

The point of POSSIBLE ALTERNATIVES is not to sweepingly accuse everyone of wrongdoing. Rather, the point is to show that people are sometimes not satisfying their obligations when they can take other actions that do not conform to the *current world order* that contributes to harm. As to the Minnesotan, it would be necessary to investigate her specific situation. If she has no possibility of changing her behavior because of the current situation she is in (or if changing her behavior would cause her harm), then it does seem that she is refraining from harm to the Bolivian girl. The Minnesotan would not have a possible alternative action that she could take. But surely many around the world have possible alternative actions to the harm of the *current world order*. There are alternative actions people can take that would not contribute to the harm of the girl. Even if the Minnesotan cannot do anything, others with more opportunities can, for example, lobby their government, work with other organizations or provide financial means to stop conforming to the *current world order* that harms the girl.

A person might suggest it still could be the case that, if these others with more opportunity in the world took the alternative actions in order to refrain from harm, they would be unable to change the fact that the harm to the girl occurs. In other words, their refraining from harm by taking possible alternatives to what is harmful in the *current world order* does not mean that they will be able to stop the harm to the girl. Simply providing finances or acting against a harmful system will not necessarily alleviate harm.

These individuals who are doing what they can, in order not to contribute to harm, even if harm is occurring, are refraining from harm. Doing what we can might not be

providing aid for the harmed, but it does at least mean that the people who are doing what they can are not part of the contribution to the harm. There is a difference between providing aid and refraining from harm. We might refrain from harm without actually providing aid. As pertains to the obligation to refrain from harm to the Bolivian girl, it is *not* equivalent to an obligation to provide food. Rather, the obligation is to recognize and avoid the harm we are contributing to by taking a possible alternative action that makes it the case that we do not contribute to the harm.

There are concrete possible alternatives that people could take as a group in order not to contribute to the harm from the *current world order* for the Bolivian girl. We could consider an analogy to protections for physical harm that exists in many countries. People often do not accept physical harm in society. There is protection against physical harm and when physical harm occurs there has been a breakdown of the societal protection. In the same way that we establish police and governmental institutions for obligations to refrain from physical harm, one action we could take for our obligation to the Bolivian girl would be to work towards institutions to organize and implement food programs. These institutions would make sure food gets to those in need, similar to the mandate given to protective agencies against physical harm. This is only one possibility of how people could refrain from harm by not conforming to the harmfulness of the *current world order*. There could be other actions done as well, so long as the actions are not conforming to the harm from the *current world order*. Some actions might be more efficacious than others, but many intermediate actions could satisfy our obligation.

It is more difficult to single out a specific individual for food related harm than it is to single out an individual for physical harm. Yet this difference is only because of the

current social structure. Given a social structure that valued access to food as much as access to physical security, a positive system of protection could be put in place to make sure all obligations to refrain from food related harms are satisfied. In such a society, we would be able to single out individual violators of obligations to refrain from harm related to food.

In general terms, what I am grappling with here is parallel to the applied ethics distinction between non-maleficence and beneficence. Non-maleficence is the idea that we should avoid harm, whereas beneficence is the idea that we should promote the well being of others. What I have done is interpreted non-maleficence (the obligation to refrain from harm) as requiring many acts of commission, as opposed to simply acts of omission.

The obligation to refrain from harm is extremely demanding. Even one instantiation, such as the duty to refrain from harm to a girl in Bolivia without proper nutrition, requires many people to change how they act. It requires choosing a possible alternative action that does not conform to the harm contributed to by *current world order*. This implies that many people with disposable resources or extra time are required to use those resources and time to take actions that do not contribute to the continuation of the way things are within a harmful *current world order*.

In conclusion, in this section I have argued that we contribute to harm when we conform our actions to a *current world order* that is itself contributing to harm. Minimally, the *current world order* is taken as the current global governmental institutions. In order to avoid contributing to harm, most individuals have obligations to take possible alternative actions that do not conform our actions to that of the harmful

aspects of the *current world order*. The viable alternative actions that we have include actions that act against the harm of the *current world order* – from working with organizations attempting to stop harm to individually trying to stop the harm. Because of the pervasiveness of the harmfulness that is an aspect of the *current world order*, we contribute to harm through many actions that have traditionally been thought benign. It is not the case that our behavior needs to stop the harm in order for us to refrain from harm, but we need to change most of our actions and many of the ways that we think about harm in everyday life.

8. Massive Moral Dilemmas

Both NEW HARMS and POSSIBLE ALTERNATIVES argue that our daily actions often harm others. Yet POSSIBLE ALTERNATIVES demands more than NEW HARMS. Part of my claim below will be that, while all the obligations we have are *individually* possible, when taken together, most people cannot act on all their obligations from POSSIBLE ALTERNATIVES. In other words, we have all these obligations, but we can only act on some, because while they are individually possible, together they are impossible.

When we recognize that there are many necessary actions that come out of POSSIBLE ALTERNATIVES, we see that we are unable (or most of us are at least) to act on all the requirements of the obligation to refrain from harm. For instance, I can take a possible alternative action to the *current world order* that does not contribute to the Bolivian girl's nutritional problems, or I can take a possible alternative action that does

not contribute to the death of a subsistence farmer in Indonesia, or I can take a possible alternative action that does not contribute to the physical insecurity of a Congolese woman, and so on. The obligation in each instance necessitates me taking a different possible alternative action. The possible alternative I would take not to contribute to the Bolivian girl's malnutrition might be lobbying certain governmental organizations on her behalf. Yet that action would not stop my contributing to the harm of the Congolese woman. To stop contributing to the harm of the Congolese woman I might work with a different organization specifically focused on the cause of Congolese security. The point is that there are different actions necessary for each different requirement to refrain from harm. While each alternative to the *current world order* is possible by itself, the possible alternatives are not all possible when considered as a whole.

I can choose a possible alternative action to refrain from harm for each obligation but to act on a possible alternative for even the three requirements listed above seems impossible. When we consider that most of us will have many thousands (millions possibly) more requirements exactly like the three, then we can see how it is truly impossible to act on all our obligations. Thus we come to massive moral dilemmas.

Terrence McConnell gives the following as a general description of moral dilemmas:

Moral dilemmas, at the very least, involve conflicts between moral requirements...The crucial features of a moral dilemma are these: the agent is required to do each of two (or more) actions; the agent can do each of the actions; but the agent cannot do both (or all) of

the actions. The agent thus seems condemned to moral failure; no matter what she does, she will do something wrong (or fail to do something that she ought to do).⁹⁵

Obviously, POSSIBLE ALTERNATIVES creates moral dilemmas on a massive scale since we have many obligations that we can do individually but when taken together we can only do at most some. We can do each possible alternative action by itself but we cannot do all of them together.

A person might object that POSSIBLE ALTERNATIVES seems inconsistent. It requires each person to take a number of individual actions that she is incapable of performing together. If we choose one action, then we cannot act on the other. If choosing one action implies that I cannot act on the other, then it seems to be a contradiction to say that I have the obligation to do the other action as well.

Note, though, that there is nothing inconsistent about this aspect of POSSIBLE ALTERNATIVES. We might hold, as Ruth Marcus does, that rules are consistent so long as they are satisfiable in *some* possible world. She says “rules are consistent if there are possible circumstances in which no conflict will emerge,”⁹⁶ and they are inconsistent if they are impossible to satisfy in every possible world. Given POSSIBLE ALTERNATIVES, there are possible worlds where everyone can satisfy all of their obligations. If less harm was being done in the world we could completely refrain from harm. Currently, however, even if we try as hard as we can to satisfy all our obligations, we will fail given the harm from the *current world order*, even as we still have the

⁹⁵ McConnell, Terrance. (2014). “Moral Dilemmas,” *Stanford Encyclopedia of Philosophy*.

⁹⁶ Marcus, Ruth. (1980). “Moral Dilemmas and Consistency,” *Journal of Philosophy*, 77 (3), p. 129.

obligation. The failure is not a necessary fact of the world but rather a fact of our current world.

Although it is now impossible for each of us to satisfy our obligation to refrain from harm to all, it is possible that, in the future, or in a possible world where less harm is occurring, the obligation to refrain from harm could be satisfied. This would be a world in which there are not individuals suffering deprivation because of the current structure of governments and institutions. It need not be a utopian world, just a world in which no one is being harmed by the world order as it is. Those worlds would be ones where harm to others is greatly reduced or curtailed completely. These worlds are possible, and it is in these worlds that a person can satisfy her obligation to refrain from harm.

8.1. Why a Rejection of **OIC** (Chapter 1) matters

There is still a worry about consistency in deontic logic. Moral dilemmas can be consistent, but only with a rejection of **OIC**. Neither **NEW HARMS** nor **POSSIBLE ALTERNATIVES** has yet invoked the rejection of **OIC**. I will do so below.

In chapter 1, I argue that the rejection of **OIC** will be used in my construction. The rejection is used in the following way: if there are moral dilemmas and we accept **OIC** and the agglomeration principle,⁹⁷ we are led to inconsistencies. The agglomeration principle states that if a person has two individual obligations then she has the obligation to act on both.

⁹⁷ Williams, Bernard. (1965). "Ethical Consistency," *Proceedings of the Aristotelian Society* (Supplement), 39, pp.103-124.

Let “OX” stand for “a person has the obligation to X”:

$$(OX \ \& \ OY) \rightarrow O(X \ \& \ Y) \quad \text{Agglomeration Principle}^{98}$$

Let “CX” stand for “a person can X”:

$$OX \rightarrow CX$$

OIC

The inconsistency with **OIC** and the agglomeration principle is shown below. POSSIBLE ALTERNATIVES holds that there are many obligations a person should do, but we will use only two obligations, OX and OY, to show the problem of logical inconsistency:

1. OX
2. OY
3. $\sim C(X \ \& \ Y)$ (A person cannot do X and Y)
4. $OX \rightarrow CX$ **OIC**
5. $(OX \ \& \ OY) \rightarrow O(X \ \& \ Y)$ Agglomeration Principle
6. $O(X \ \& \ Y) \rightarrow C(X \ \& \ Y)$ From 4
7. $OX \ \& \ OY$ From 1 & 2
8. $O(X \ \& \ Y)$ From 5 and 7
9. $C(X \ \& \ Y)$ From 6 and 8
10. $C(X \ \& \ Y) \ \& \ \sim C(X \ \& \ Y)$ From 3 and 9⁹⁹

⁹⁸ Note that the agglomeration principle allows that (5) from above, $OX \ \& \ O\sim X$, becomes $O(X \ \& \ \sim X)$. The obligation is internally inconsistent but the system would still not be inconsistent.

With a rejection of **OIC**, the inconsistency does not occur. We are able to have a consistent moral system with massive moral dilemmas and impossible obligations.

9. Conclusion

In this chapter, I have argued that all of us who are a part of the global community are stuck with massive moral dilemmas. To reach this conclusion, I began by arguing that each person has the obligation to refrain from agency threatening harm. I showed that refraining from harm requires a lot from each of us, given the current structure of the world. In *NEW HARMS* I argued that we each contribute to harm through many of our daily actions, e.g. when we drive our cars we are contributing to global warming. Further, I argued in *POSSIBLE ALTERNATIVES* that our support of current governments that are contributing to harm entails that we are contributing to harm as well. In order not to contribute to harm, I argued that we each have the obligation to take possible alternative actions that do not support the harm from what I have called the *current world order*. These possible alternative actions recognize the harm and refrain from supporting the *current world order*. Examples of actions that do not support the harm from the *current world order* include working with non-governmental organizations or lobbying governmental agencies. However, while each alternative action is possible by itself, we cannot take all the necessary possible alternative actions when they are considered as a whole. This is where we find massive moral dilemmas: we can satisfy each obligation

⁹⁹ This is from McConnell, Terrance. (2014). "Moral Dilemmas," *Stanford Encyclopedia of Philosophy*, with a few minor changes by me.

individually but when we consider all the obligations they are not possible for any one person to satisfy. The argument does not create an inconsistent moral system since the inconsistency was avoided through the rejection of **OIC** in chapter 1.

After the arguments from this chapter, it is difficult to see how we might be guided by moral obligations that create impossible demands. In the next chapter, I present an argument for how we should act in light of the massive moral dilemmas presented here.

Chapter 3

A Moral Disposition

1. Introduction

In the previous chapter, I argued that many of us are faced with massive moral dilemmas. In other words, we cannot satisfy all our moral obligations. It is hard to convince others of an extremely stringent moral position like the one presented in the last chapter. Even if a person is trying as hard as she can, given my argument, she is unable to satisfy all her obligations. This chapter, I hope, alleviates some concerns about that impossibility. In light of the massive moral dilemmas, the current chapter aims at developing a different moral evaluation metric. Obviously, acting on obligations will not work as a guide. Here, I argue that we can use attitudinal disposition as a moral metric to evaluate ourselves and understand what we should do in the face of impossible obligations.

The chapter proceeds as follows. First, I motivate the necessity for a new metric in light of the arguments from the previous chapter. Second, I explain why this new metric should be based on an agent's disposition. Third, I argue that the components of the disposition must include both our reason and our affect. This means that our reasoning and affective responses must align in order for a sound moral disposition. I also give a personal example of my own usage of reason and affect. While my claim that both reason and affect are necessary is normative, there is also empirical research to suggest that psychologists recognize the necessity of using both reason and affect as well. Fourth,

I argue that we can develop and obtain the moral disposition by cultivating our practical wisdom. I begin by giving an analysis of practical wisdom as proposed by Jason Swartwood and discussing how we might obtain the practical wisdom as outlined. Finally, I end by arguing that practical wisdom leads to the conclusion that we should develop a moral disposition consistent with a coordinated effort to satisfy obligations and that our moral disposition should recognize that some obligations deserve prioritizing over others. I call these priority obligations “basic obligations.” Included in their ranks are obligations to food, shelter and security. The basic obligations provide the minimal level of necessities for agents to enjoy some type freedom from agency threatening harms that allows them to consider beyond their continued daily existence and allows them to develop their own moral dispositions.

2. Motivating a New Metric for Obligations

Given that it is impossible to act on all our moral obligations, we should use a different metric for understanding moral success. One possibility is that a person can create a moral attitude within herself in order to make moral progress. The intuition behind the idea of basing what we should do on attitude is that, perhaps a person cannot act on all her obligations but she can develop a disposition to act on her obligations. The standard need not be whether a person does act but rather whether she has the habituated inclination (i.e. disposition) to act on obligations even if she cannot. Agents can achieve the disposition without possessing the ability to act on *all* obligations. There can be progress without perfection.

There is a distinction between how we should *act* and how we should *be*. There is a distinction between “acting on moral obligations” and “developing a moral disposition.” Here, we are considering evaluative procedures to understand how to implement a theory with impossible obligations.

Some aspects of a theory with impossible obligations can be appealing. For one, impossible obligations give us something to work towards. No, we cannot act on all our obligations, but if we are at least capable of outlining and understanding what we should be doing and for whom, it shows us how to move in the right direction. Demanding moral obligations give us an idea of how to develop and provide us with a standard of excellence.

Judith Lichtenberg disagrees. She believes that a demanding morality in fact hinders our ability to help people. She says, if alleviating suffering is our aim,

...we have no reason to set the bar especially high; on the contrary, we want to make it easier for people to do what is right, and we should embrace whatever legitimate means are at our disposal to render right action as painless as possible.¹⁰⁰

Lichtenberg argues that more will be done if people are capable of acting on obligations. If we set an impossibly high bar, many will not even try. If the actions are hard, she argues, people will be less inclined to act.

¹⁰⁰ Lichtenberg, Judith. (2010). “Negative Duties, Positive Duties, and the “New Harms””, *Ethics*, 120 (3), p. 575.

However, the bar can be set high in a variety of ways. Each individual obligation need not be difficult in itself. We can act on each obligation and it is only when we take them together that we have the moral dilemmas. Perhaps people will feel overwhelmed with moral dilemmas since they will always have other obligations regardless of how they act. Yet how people feel is a psychological issue. Feeling overwhelmed might limit what we in fact do but not necessarily limit what we should do. To alleviate harm we all need to do a lot. A high bar gives us a goal at which to aim.

Similarly, what we require to maintain motivation is not necessarily a sense that we can achieve moral perfection, or fully satisfy obligations, but that we are making progress. By cultivating ourselves, instead of being concerned with achieving various actions, we can make moral progress. It is not simply by acting on an obligation that we can progress morally.

A person might object to a disposition based approach given the moral dilemmas created in the last chapter. There is a longstanding tradition, going back to Aristotle, that claims the intelligible objects of deliberation, and so of choice, must be possible. In other words, I must take something to be possible in order to deliberate about doing it. The disposition I am suggesting would have us deliberate about obligations that we cannot satisfy, which would put it in tension with the longstanding tradition.

However, once again, it is possible for me to satisfy *each* obligation as laid out in the previous chapter. Only when taken as a whole can I not act on them all. So if what I am to contemplate is how or whether to attempt to satisfy each (not all at once) obligation, then what I contemplate is possible. It seems at first that the moral dilemmas

violate what is often thought to be a psychological fact about us, but given further inspection we see that there is a way to take each obligation as possible.

Even though each obligation is possible for me to satisfy, it is not possible for me to satisfy all the obligations. The moral disposition is a reaction to the inadequacy of either action or attempted action on obligations as a ground for evaluating moral success.

3. The Disposition to Act

While action is demanded on all obligations, action is not an effective metric for moral assessment. While a rich man might act on more obligations than a poor man, the former might in fact be making less of an effort than the latter. The poor man could devote his life to satisfying obligations, and the rich man could throw around his money and thereby act on obligations every so often, and yet the rich man could still actually satisfy more. Even if the rich man acts on more obligations, the poor man is, intuitively, the better moral agent. Of course a hedonistic utilitarian (for example) might disagree with this assessment as the rich man is producing more pleasure. Still, given what has been said in the previous chapters and the supporting intuitive notion that a person's desire and intentions matter in a moral assessment, arguments such as the hedonist's are intractable at this point. Our moral value, as people, does not come from the resources that we have but rather from our willingness to act *when the opportunity occurs*. We need a metric that aligns with this understanding.

The moral metric should focus on an agent's *disposition*. Intuitively, if I have a duty to act with no conflicting moral obligations, but I still choose not to perform the

duty, then I have a deficient moral character. That is, there are obvious cases of people who attempt to act on obligations and cases of people who do not attempt to act on obligations and there should be a morally evaluative distinction between these two sorts of people. Roughly speaking, the evaluative distinction is the moral disposition of a person willing to act on obligations and of a person unwilling to act on obligations. What describes the morally relevant difference is that one has the moral disposition and the other does not.

Even at this rather inchoate level of description, an agent with a moral disposition will act on some obligation when she is presented with the opportunity. I argued against “‘ought’ implies ‘can’” (OIC) in chapter 1. An obligation does not imply that we can perform an action. However, for those agents with a moral disposition, having an obligation coupled with the fact that she can do the action implies that she will take action on the obligation.

It is necessary to give an understanding of dispositions. Note that dispositions are stable properties of an individual. If a person has a disposition to act in a certain way, then, given the appropriate stimulus, she will usually/generally/often act in that way. Obviously the “usually/generally/often” is underspecified, but the intuitive notion will suffice for the current purposes of this chapter.

The following is the *Simple Conditional Analysis* for dispositions given by Sungho Choi and Michael Fara. It makes use of counterfactuals in understanding dispositions:

SCA: An object is disposed to M when C iff it would M if it were the case that C .¹⁰¹

Under **SCA**, a plate is disposed to break (M) when smashed (C) as it would break if it were the case that it was smashed. I am going to adjust Choi and Fara's analysis a bit to make it useful for my purposes here. The adjustments are specifically made for my analysis of a moral disposition:

SCA1: A person is disposed to M when C iff she would m^l if it were the case that C .

M is the category to which m belongs. m^l is the maximal collection of m possible for the person. **SCA1** works for dispositions of individuals outside of a theory of morals as well. For instance, a person is disposed to laugh (M) when there is a funny joke (C) iff she would have maximal instances of laughing (m^l) if it were the case that she heard a funny joke (C). While it is a bit awkward in this context, it makes sense to say that a person is disposed to act a certain way when she acts that way in maximal instances. For my purposes, a person is disposed to act on her obligations (M) when she is given the opportunity (C) if and only if she would act on a maximal collection of those obligations (m^l) if it were the case that she was given the opportunity (C). Opportunity (C) will be adequate for various maximal sub-collections (m^l) of our obligations (M) but there will be no larger collection of m greater than m^l .

¹⁰¹ Choi, Sungho and Fara, Michael. (2012). "Dispositions," *The Stanford Encyclopedia of Philosophy*.

SCA1 takes conflicts of obligations into account. When we have conflicting obligations given opportunity, we are disposed to act on the *maximal* set, even if we cannot act on all the obligations. When our obligations conflict, **SCA1** holds we are still disposed to act on obligations if we act on the *most that we can*, even if it is the case that we cannot act on all the obligations.

We do not want to hold m as opposed to m^l in the biconditional because, if we held m , then a person who only wanted to act on one and only one instance of an obligation could be said to have a moral disposition. For instance, with regards to feeding the poor, it could be the case that, no matter what my resources are, I will feed only one person, and then that would satisfy the conditions for the disposition as outlined by **SCA1**. But that is obviously wrong. A person with a moral disposition would act on as many obligations as she could with the opportunity to do so, not just one. By using the maximal collection of obligations we capture this idea.

What counts as a maximal collection of obligations is unclear at this point. It is true that more work would be needed to specify what counts as a maximal collection, but it is unnecessary for the consideration of this chapter, since all people are generally not even close to acting on their maximal set of obligations. The maximal set need not suggest that a person should impoverish herself to feed others. The maximal set of obligations is not equivalent to logical possibility. We will see in the discussion later how practical wisdom facilitates understanding of how to develop a moral disposition given this analysis. It should be noted, though, that there are lots of distinct maximal collections of obligations. We still have choice since we cannot satisfy all the obligations. The moral

disposition does not necessitate certain specific actions we need take but that we need to do more or enough of the *type* of action.

The opportunity to act on obligation X cannot entail that a person will act on obligation X, since, given the previous chapter, there are too many obligations that we have the opportunity to act on. I have the opportunity to act on each obligation but, taken together, I do not have the opportunity to act on all obligations (hence the moral dilemma). The counterfactual understanding of the disposition to act (**SCA1**) works because when a person is presented with all these obligations, she will have the opportunity to choose her action. In other words, a person with the moral disposition chooses to act on obligations even in the face of inability to act on all obligations. The actions related to the obligations are generally applicable to each person and each person has the ability to act on each obligation but not all obligations. A person has the moral disposition, though, when she acts on a *maximal* set of obligations given the opportunity to do so.

While we have all these jointly unachievable duties, our moral disposition is evaluated based on the number of duties we satisfy with a moral disposition. In other words, we must look to the consequences of our actions in order to decide whether we are morally successful. Once again, consequentialists are not the only ones concerned with consequences. The obligations were not foundationally justified using consequences. Yet we can use effectiveness as a subsidiary consideration for evaluative purposes when what we ought to do is jointly unachievable.¹⁰²

¹⁰² Christine Korsgaard discusses a similar idea in Korsgaard, Christine. (1986). "The Right to Lie: Kant on Dealing with Evil," *Philosophy & Public Affairs*, 15 (4), p. 343, fn. 17.

Using dispositions and **SCA1** as an evaluative tool circumvents the problem of moral dilemmas because it does not judge an agent based on how many obligations she satisfies but rather on how many obligations she acts on when she is given the opportunity. I accept and use **SCA1** for the following analysis of moral dispositions. While a lot more could be said about the general form of dispositions, it is enough here to accept **SCA1** and that a person disposed to act on her obligations given the opportunity is a person who is acting as she should in light of the demandingness of her obligations. The moral disposition manifests when we choose to act on *the most* obligations. We can recognize the necessity of failure but still choose to act on the obligations when we have the opportunity.

Using the moral disposition for evaluation, we can work towards our obligations without knowing the specific limitations of ability. It could be that, without knowledge of our specific limitation, we are not always in a privileged position to judge others or ourselves on how well we developed our moral disposition. Yet the judgment need not be the point. Rather, the point is the *attempt* to develop this faculty.

The moral disposition is not external to the actor. A person held captive or a person with no money might still have a moral disposition. Someone without physical capacity to act might still have a moral disposition without acting on any obligations. We could imagine a woman who would act on her duties but who is also being kept prisoner. This woman can have a moral disposition even without the ability to act. In a similar way, when a person is not physically bound but monetarily bound, without the fiscal resources to act, she can still have a moral disposition: she would act on the duties if it

were possible. If she *could* act on them, she would. She is confined by her inability to do so.

A person might object that what I am describing as a moral disposition seems more like a kind of primitive push or pull. There does not seem to be an element to the disposition that encompasses the ability to judge what must be done, compared or weighed against other obligations. Consider the contrast of acting from duty: when acting from duty there is an understanding of what must be done and how that encompasses a grasp of why it must be done as opposed to a different action. There is a way to understand how we are supposed to act when under the auspices of duty, i.e. there is specification for action. However, given what I have argued thus far, the moral disposition leaves vagueness about how to act when we have the opportunity.

First, part of this issue is what I will address in the discussion on practical wisdom below. There is vagueness about how to act but practical wisdom helps to clarify that vagueness. Second, there is always some necessary vagueness with obligation. When we have a duty it is *not* always clear how we should act given that the duty must be applied from a general situation to a very specific one. It is not possible even to *completely* specify a given duty for a given situation (e.g. do I use my right or left hand?). The vagueness associated with the moral disposition need not be cause for objection.

Note that a moral disposition provides reason for developing moral character. In virtue ethics, virtues and vices are developments of the moral character of an agent, often understood as the agent's disposition to act either in a moral or immoral way.¹⁰³ When virtue is developed, an agent is said to have a good moral character. Similarly, for my argument, when a person is disposed to act on her obligations given the opportunity, the

¹⁰³ Hursthouse, Rosalind. (2012). "Virtue Ethics," *The Stanford Encyclopedia of Philosophy*.

agent has a good moral character. The virtue here is not a characteristic like bravery or temperance; rather, the virtue here is the disposition. I am arguing that, if a person has a good moral character, then she has a disposition to act on her obligations and will figure out how to do so when she *can*. If a person *wants* to have a good moral character, then she will be motivated to develop her moral disposition.

Ability now plays a role in moral evaluation, since a person with a moral disposition will act when she can. However, ability is not a limiter in this theory. In other words, “can” is not determining the scope of our obligations. Rather, we have the obligations and moral dilemmas even though we cannot act on all the obligations. The ability here helps understand how we act in light of massive moral dilemmas. It is necessary to give action guidance for a theory of moral obligation even if we cannot do all that we should.

With the moral disposition view, we go from one obligation to the next understanding that there is always more we should do. The many obligations give guidance for those who want to know what else they should do, regardless of what they can do. With my approach, there will always be more duties for each person. This fact is not meant to overburden people but rather as a way to keep in mind that moral action and obligations are ever-present. There is always more to be done, as the previous chapters have shown, but at the same time we can be guided by a theory with moral dilemmas by using a different evaluative measure.

A person might question the means of *knowing* when someone has a developed moral disposition. Whereas a system that evaluates people through their actions provides a clear metric, a system that evaluates people based on dispositions is vague, for it is not

clear how to know the disposition of others or even oneself. We cannot see dispositions and it is hard to know the dispositions of another person.

First, my focus here is not on how to evaluate others, but to recognize *in ourselves* whether we have a disposition to act on moral obligations and how to develop that disposition. In this sense, the knowledge of others' dispositions is superfluous. It is possible to help others develop the disposition, which I am concerned about, but the actual blame or praise for another is not part of my concern.

Of course it is still necessary to be able to judge the actions of others. Sometimes we must hold others accountable for moral failures. Yet this is consistent with my above statements. Understanding how to develop a moral disposition is different from understanding how to judge others. It might be the case that we should develop a moral disposition but judge others based on criteria other than their moral dispositions. Regardless, this chapter is not an investigation of how to judge the moral disposition of others. The chapter is an investigation of the moral disposition each of us, as an individual, should develop given conflicting obligations.

In the previous chapter, it was unclear how we should respond in light of massive moral dilemmas. The disposition presented here is a metric for each of us to achieve moral success. The moral disposition is a way to conduct oneself in the face of moral dilemmas. We will see below that merely satisfying **SCA1** is insufficient. It is necessary to have the proper components associated with the disposition as well.

4. Components of the Disposition

In this section I will explain the necessity of reason and affect as components of a moral disposition. I will go on to give an example of a recent time that I used the moral disposition in my life in order to show how I see the disposition in action. Finally, I end the section with a presentation of research on dialectical behavior therapy (DBT) which provides empirical support to my normative claim.

4.1. The Necessity of Reason and Affect¹⁰⁴

A moral disposition is not based on the actions a person takes. However, there are necessary internal components for a person in order to have the moral disposition. The disposition must meet the requirements of reason and affect: an agent must have the proper accompanying rational and affective responses to the situation in order to have a moral disposition. A person could have the motive of duty (i.e. understanding her obligation through reason) and decide based on that *but also* have an affective response and act on her emotion as well. I argue that, if either the reason or affect is lacking, then the moral disposition of the agent is also lacking.

Historically, in the philosophical literature and in the general public at large, priority has been given to reason over affect in how we obtain information about the world. However, our emotional responses provide us with another source of information about the world. It is not only through our reason but also through our affect that we

¹⁰⁴ I use “affect” and “emotion” here interchangeably.

process information.¹⁰⁵ As such, both should be used in a thorough process of judgment. The affective responses should be seriously valued alongside reason as another valid input.

I am not arguing for the primacy of affect over reason. Affect need be no more valuable than reason. If we have the emotional response without the motive of duty, we might ask ourselves if the emotion is warranted or if we should question it. We might figure out a reason for the affective response and come to realize that the duty is related to the affective response and align our motive of duty with the affective response. Or we might recognize reasoning that overrides the affective response, and then attempt to reshape and reconsider our emotions. Either way, I argue that the process of aligning reason and emotion is a necessary action for the development of a moral disposition.

We will look at an example with three variations to understand how reason and affect are used in the way explained above. We will suppose for the sake of argument that the variations below are stable traits of the young man and that he has a disposition in each situation. Suppose a young man walks into a store. He is very thirsty. He sees the cold drinks and decides he wants one, but he does not have the money to pay for a drink.

- (1) In the first case, the young man has the motive of duty and recognizes that it is right to leave the drink. Yet he also really wants to steal the drink because it would make him feel better (it would quench his thirst). In this case, he does

¹⁰⁵ See, for instance, Haidt, Jonathan. (2001). "The Emotional Dog and Its Rational Tail: A Social Intuitionist Approach to Moral Judgment," *Psychological Review*, 108 (4), pp. 814-834; and Avramova, Yana and Inbar, Yoel. (2013). "Emotion and Moral Judgment," *Wiley Interdisciplinary Reviews: Cognitive Science*, pp. 169-178.

not steal the drink because of the motive of duty, not because of any anti-stealing emotion.

(2) This time the young man does *not* recognize that it is his duty to refrain from stealing. The motive of duty is not present. However, he does have an affective response of empathy for the shopkeeper. He recognizes how it would feel to be in the position of the shopkeeper and because of this decides not to take the drink. The shopkeeper is relevant because the young man is able to feel that his own actions (the young man's) affect others negatively. In this case, he has the affective response but not the motive of duty.

(3) Finally, the young man recognizes his duty and so recognizes reasons to keep him from stealing the drink. Likewise, he also has the empathetic response to the shopkeeper. He uses both his reason and emotions to recognize his obligation.

My claim is that only in the third case is the young man demonstrating a moral disposition. In all three cases the same action is taken, yet the emotion and reasoning align only in the third case. Note that the affective component of the argument has to do with a fellow feeling as opposed to a guilty feeling. The latter would suggest a failure to do what is deemed right whereas the former is being able to empathize with the position of another in a hypothetical situation where a person can imagine how the other feels. If the affective response were based on what is reasoned to be right, affect would be a sort

of subsidiary to reason. However, the two different processes are equally valuable ways of obtaining information about the world and so I hold that the affect is independent of the reason.

It is a sort of Kantian and Humean combination in our disposition by including both principle and moral emotion. Both the principle and affect give motivation and justification for the moral issue. The affect is not simply to give insight into how best to address the moral issue once a moral position is taken; rather, we must have an emotion aligned with the reason in order to validate the moral position.

A person might suggest that (1) is surely a demonstration of a moral person. Kant, in *The Groundwork of the Metaphysics of Morals*, tends to argue that a person satisfies moral requirements when she recognizes and acts on her duty. He does not necessitate that the affective response be absent or present, but he does argue that acting from duty *over* strictly from an affective response is what it is to be moral.¹⁰⁶

However, Kant lines up with other classical theorists who have in mind that mere reason is not sufficient for genuine action “from duty.” A person has to know *what* to do *and feel* the duty as a trump to other reasons for action. Kant tried to distinguish on one hand a flow of unschooled emotion that pushes or pulls from, on the other, an internalized commitment to act rightly. In this sense, Kant does require an alignment of reason and affect, which seems to justify case (3) more than case (1) from above.

However, it could be argued that Kant does place emotions as subsidiary to reason. He wants the emotion to line up with the reason but it is fairly clear that the rational is the main concern in his moral theory. I am arguing that neither reason nor

¹⁰⁶ Kant, Immanuel. (2012). *Groundwork of the Metaphysics of Morals*. Edited by Gregor, Mary and Timmerman, Jens. Cambridge University Press.

emotion takes primacy over the other: even as the emotion and the reason must align, it is not that the emotion must necessarily come to the side of reason but rather that they must come to agreement somehow.¹⁰⁷

Yet it could occur, and often does, that an affective response trumps a motive of duty. There are times when an individual recognizes what her duty is in a specific situation but has an emotional drive in the opposite direction and thus acts against the duty. In fact, for an anecdotal example, I have spoken with several people who have said, “I know what my duties are but I do not care.” People often recognize what they should do but still choose to do otherwise.

There are a number of possible responses to those who claim to know their duties but choose not to act on them. One possible response is that these people do not actually understand their duties. For if they did understand, they would care about acting on them. This response is similar to Socrates’ thought that all wrong action stems from ignorance, where he held that, if a person really did know an act was wrong, she would not do it.¹⁰⁸

Another response to people who say they know their duties and simply do not care is that right action is one normative category among others, such as prudential action, fun action, or some other category. These people could understand that they have a duty but still think it not fun and they might instead opt for the fun over the duty. The point is that it is possible and relatively common to have correct reasoning associated with duties without having an overriding desire to act on the duties. If a person does not

¹⁰⁷ There is a lot of research suggesting that there is not a true dichotomy between reason and emotion, i.e. genuine reasoned grasp has an affective element. See, for instance, Barrett, Richard. (1994) “On Emotion as a Lapse from Rationality,” *Journal of Moral Education*, 23 (2), pp. 135-143 or Walter, Edward. (1972). “The Logic of Emotions,” *Southern Journal of Philosophy*, 10 (1), pp. 71-78.

¹⁰⁸ In Plato’s *Protagoras*. For a contemporary interpretation see Silver, Jeffrey. (1996). “Wrongdoing and Ignorance: Socrates Defended,” *Philosophy Today*, 40 (4).

feel the overriding nature of her duties, then she does not have the correct emotional alignment.¹⁰⁹

The last response to these people who claim to know their duties but choose not to act on them is to suggest that they simply have a stronger affective response and decide to follow that instead of the reasoning. The young man from (1), who recognizes his duty and acts according to it, might in other circumstances not value his duty so highly. He might decide in favor of the affect instead of the duty in a future situation, even with the knowledge of the duty.

We could suppose that the young man in case (1) always follows his motive of duty regardless of his emotional response and in this way circumvents his ever doing a wrong act. Yet this is not enough. Having a moral disposition is not simply doing the right action for the right reason: it is also doing the right action with the right emotions as well. If the young man always did what was right, but never aligned his feelings with that duty and instead disdained needing to act on his duty, then his disposition is lacking a fundamental piece. It is not simply that the young man is thirsty. Of course he cannot change that fact. It is his thirst that makes him desire to steal the drink. He does not empathize with the owner or recognize the fellow feeling that is necessary for an emotional response. Without the proper affect as a check to his reasoning, it does not matter if his reasoning always turns out correctly.

In relation to case (2) from above, as Kant suggested, the young man who only acts out of sympathy or an affective response but who is lacking the understanding of

¹⁰⁹ Kant recognized the inadequacy of reason without a disposition to do what one deems moral. He argued that true participation in moral reasoning includes a disposition. I think this is similar to my argument of including affect in our moral judgments to develop the disposition, but I leave aside the exegesis here. See Kant, Immanuel. (2012). *Groundwork of the Metaphysics of Morals*. Edited by Gregor, Mary and Timmerman, Jens. Cambridge University Press.

duty has not cultivated a moral disposition. He would act without the proper reasons. If his emotions had changed his actions could have changed without an accompanying reason because he is acting based on how he feels alone. Variable emotions do not encompass a moral disposition without some input from our reason.

Only in case (3) does the young man act according to both his reason and emotion. He does not have the affective response to act against his duty and he also understands how his duty is based on reason. Only in case (3) does the young man have a moral disposition.

A moral disposition is part of a person's character. A person with a moral disposition has good moral character. And in this way a person with a moral disposition is similar to a virtuous person. A virtuous person does not use only reason. As John McDowell argues, a virtuous person does not struggle with a desire to do otherwise than the virtuous act.¹¹⁰ She acts without considering the alternatives as a relevant option. The thirsty young man has the moral disposition when his affect and reason align because in that situation he is not struggling within himself or conflicted about his actions.

When our reasoning and emotions do not align, we often understand there is a problem with our moral process. When there is the motive of duty without the affect behind it, we question whether our reasoning about duties is wrong. And if we decide it is not, we then further investigate our emotions. The process is not necessarily easy. The young man might very much want a drink and resent that he does not have the money to obtain it. However, he is still often capable of correcting his affective response. The mismatch of emotion with the motive of duty requires that we reconsider both.

¹¹⁰ McDowell, John. (1979). "Virtue and Reason," *Monist*, 62 (3), pp.331- 350.

While our reasoning and emotions need to align for a moral disposition, sometimes we might act without either a reason or emotion as justification. We might be unaware of how our reasoning or emotions relate in these circumstances and simply act out of instinct. I might run to save a drowning person without aligning or even considering my reason and emotions about the action. Using my understanding, does my action of saving the person mean that I do not have a moral disposition, since I did not use both reason and affect?

The point is not that I use both reason and affect but rather that the reason and affect align properly. What “properly” means has not been fleshed out yet, but in the above case where I instinctively save a drowning person, upon reflection my reasoning and affective responses would align (notice that this is another counterfactual, e.g. if I had reflected then my reason and affect would align). Perhaps I have habituated my alignment of reason and affect so well that through my moral disposition I acted without considering my act. That would still be a moral disposition.

Affect and reason are intertwined. It is easy to suggest that an emotion can be devoid of reason or that a reason can be devoid of emotion. Rarely does reason occur without some input from our emotions and likewise neither do we usually have the emotional responses without some input from reason; rarely does it occur that we take one to be correct without consideration of the other. There is value in both reason and affect. It is not clear why we would value one as an input in our considerations about the world and not the other.

Note how this relates to chapter 1. In chapter 1 I argued that sometimes we have the obligation to have certain emotional responses while at the same time being unable to

have the response, e.g. I ought to feel ashamed but I cannot feel ashamed. This position from chapter 1 appears to be an objection to my argument here. If it is true that we sometimes cannot change our immediate emotional responses, then a person might question how we could have the proper components of the disposition. In certain circumstances we might be unable to align our affect with reasons or vice versa given the argument from chapter 1.

For instance, consider again the example of the young man in case (1) who wants a drink and reasons that it would be wrong to steal it but still has the feeling that he wants to steal it. He has the reasoning but it is unclear what could change in his feelings about the matter. It seems entirely possible to recognize the duty through reason and still have an opposing feeling that cannot be brought to align with the reason. More reasoning would not change the young man's feelings: he still feels that he wants to steal the drink. The emotion is a reaction that he has that cannot align with reason.

However, the inability to change our emotional responses in a given situation does not threaten the argument here. We still might recognize deficiencies in our affect and take them into account and try to develop our responses in a way that will create appropriate emotional responses for future situations. Likewise, we can see defects in our reasoning and adjust it accordingly. Simply because sometimes we are unable to change our emotional responses in a given situation does not mean we will be unable to condition how we respond to similar situations in the future.

We all have certain reactions to certain situations. Suppose overweight people really make me feel uncomfortable – they always have and for all I know always will. Even though I know that it is my duty to help the heavy man who fell down, and perhaps

I do, it might be the case that my affect is counter to this action. It does not seem possible for me to change this affective response and align it with my reason: overweight people make me uncomfortable and I don't want to touch someone who is overweight, but I still understand my duty and act on it through reason.

At a given moment, in the above situation, I might not be able to change my affective response. However, the response could be reflected upon and conditioned for the future. I might not be able to change how I feel immediately, but there is room to reflect and work towards a goal of changing my emotions. Our affective responses are learned through our social upbringing and through our experience. It is possible to change them even if the process is not always clear. In other words, our prejudices are adjustable. If heavy people make me uncomfortable, it might be the case that I have not had any interaction with them or that I have had poor interactions with them in the past. If there is a reason for this, I could examine that or I might need to have more interactions. By gaining experience with these groups or questioning affective responses I am capable of changing my emotions. Going from being uncomfortable with overweight people to feeling like I should not react badly to them is an intermediary step to ending the prejudice and it is possible to go even further to ending the negative emotional response completely.

I am not suggesting that developing a moral disposition will end all prejudice. I am simply explaining how we can develop a *proper* affective response to a situation when our previous responses have been improper. In contemporary feminist literature, the concept of world-traveling partly captures the idea that we should understand the

perspectives of others.¹¹¹ World-traveling occurs when there is a change in our identity and a shift in our culture. We world-travel by experiencing the situation of others through visits to their communities and experiencing their cultures. We can better understand another person's perspective by seeing the world from the other's point of view (or at least attempting to do so).

Yet prejudice is not the only barrier for a shift in our affective responses. There are still emotions we have that are not prejudices but which do not align with our reason, as in the case of the thirsty young man in case (1). Yet the young man could recognize that the affective response is not aligned with his reason and that could trigger a reflection on his affective response. It is clear that we can often change our response to future situations through reflection.

Most would probably not be surprised that affective responses can change. Kant actually recommends working with the poor and sick in order to develop an informed and motivating sympathy for them. He says:

It is therefore a duty not to avoid the places where the poor who lack the most basic necessities are to be found but rather to seek them out, and not to shun sick-rooms or debtors' prisons and so forth in order to avoid sharing painful feelings one may not be able to resist. For this is still one of the impulses that nature has

¹¹¹ Lugones, Maria. (1987). "Playfulness, "World"-Traveling, and Loving Perception," *Hypatia*, 2 (2), pp. 3-19.

implanted in us to do what the representation of duty alone would not accomplish.¹¹²

Kant recognizes that it is important that our emotions align with our reasoning and he suggests seeking out places where our emotions will validate the reasoning we have accepted. It is clear that affective responses are important and that we can, as Kant says, “cultivate the compassionate natural...feelings”¹¹³ that we have.

Still, people might not be convinced. A person might argue that there is a place for learning to control our affective responses that run counter to our duties. We need not necessarily rid ourselves of the emotions all together because the emotions are controllable. As such, emotions need not be in complete agreement with the reason but rather at least responsive to the reason.

However, controlling affective responses is not sufficient. Consider the analogous arguments for reason. We could say that there is a place for learning to control our *reasoning* that runs counter to our duties and that we need not necessarily rid ourselves of the reasoning because we can control it and make it responsive to the emotions. This position is unsatisfactory. It seems clear that reasoning counter to obligations must be corrected. We do not suggest that we learn from our reasoning that goes counter to what we ought to do but rather that we must figure out the problems with our reasoning. Similarly, there is no place for learning to control affective responses counter to our obligations. It is necessary to figure out the problem with those responses. In this way the emotions and reason are a type of check and balance for each other.

¹¹² Kant, Immanuel. (1991). *The Metaphysics of Morals*, trans. Gregor, M.J. Cambridge University Press. pp. 250-1.

¹¹³ *Ibid.*

It is not only necessary to have the affect but it should be habituated in order that, for the appropriately given situation a person will have the proper response. I grant that it is sometimes an accidental nature that affect coincides with our reasons for duties. However, there still can be merit for the affect. A person should not discount the affect as having no worth in a moral decision. A reexamination of the reasoning should occur to make sure the duties are correctly understood. Simply because our reason suggests one duty that our affect goes against does not show that the affect contains no value. We should understand when either reason or affect is correct and *why*. When a person does this she is acting with a moral disposition.

Reasoning is fundamental. But emotions are fundamental as well. Neither can be brought to a more basic level, and there is no point in valuing one while disparaging or devaluing the other. A person might claim that if we acted from affect alone, then the agent *never had* a reason to do what morality required. However, in a similar fashion, I could claim that in acting from reason alone, the agent *never had* an emotion to do what morality required. There need not be a higher priority to reason than affect.

Reasoning can lead a person to the wrong conclusion. Look at the diverse, completely inconsistent conclusions reached through reasoning by philosophers and the general public on *every* issue. Five people might argue X is the correct conclusion based on their reasoning, then ten people come back to say that not-X is the correct conclusion, all under the auspices of reasoning.

A person might suggest that a diversity of opinion does not demonstrate a problem with reason but rather with how reason is used. There is not a problem with the

fallibility of reasoning but rather the fallibility of our usage of reasoning. While *proper* reasoning would lead to the *right* conclusion for all, we do not all use proper reasoning.

Yet even if usage of reasoning is the problem and not reasoning itself, the same could be said of our affect: we could say that there is a problem with our usage of affect and that, with *proper* affect, we would come to the *right* conclusion. What is important to note is that our usage of both reason and affect can lead to various conclusions, some of which we would deem wrong. We recognize our usage of reasoning is not infallible. In light of this fallibility of our usage, we should look to include a different mechanism to either confirm or deny our reason. Besides our reasoning, we have our affect. These responses are not grounded in reason, but that does not mean we should disregard them. Our affect provides us with an important source of information independently of reason. We can use both our reasoning and affective responses to make up for the shortcomings of reason or affect alone.

A person might object that affect does not provide grounds for the rightness of an action. Suppose we saw a person outside an art gallery very late at night carrying large pictures. We recognize that he is stealing the artwork and yet at the same time we might have the response of wanting to help. If our emotions tell us to help someone who is stealing pictures, which we would agree is the wrong action to take, then emotion-based motives are insufficient justification for action.¹¹⁴

In response, if we recognized that the person was stealing the pictures, we would not have the emotional response of wanting to help. We might instead have the emotional response of indignation. The level of the situational specification for affect is analogous

¹¹⁴ Herman uses this example. Herman, Barbara. (1993). *The Practice of Moral Judgment*, Harvard University Press, p. 30.

for reason: the Kantian motive of duty would say that it is moral to help someone trying to move something very heavy – unless we knew that the person was a thief. Both the motive of emotion and the motive of duty are analogously manipulated when the situation is specified at various levels. Further knowledge changes our affect and reasoning in relation to a situation.

A person might argue that our reason can function as the limiting condition on our options of moral action. In this way, reason would specify the permissible and impermissible acts. Reason would be a limitation on our actions but allow leeway to emotion for a choice between the permissible actions. In this way, when affect and reason cooperate there is “a desirable kind of internal unity.”¹¹⁵ Affect may direct us between various actions consistent with reasoning but it need not do so. With this understanding, reason and emotions need not align but there is something beneficial when they do.

In contrast, I argue that it is necessary that this “desirable kind of internal unity” exist for a moral disposition. Anger, disgust, and happiness are not baseless. Our affective responses come from somewhere. A person who recognizes her duty to help others but who does not desire to help should recognize her internal inconsistency. She must align the reason and affect as part of the moral disposition.

Through the two standards of reason and affect we are *less likely* to arrive at an incorrect conclusion by using information from both. When reason confirms affect, or vice versa, we may have a higher degree of confidence in our moral conclusions. Of course we could then question what independent means can show us if the alignment of reason and affect are correct. Yet this question is asking for a mind independent way to

¹¹⁵ A phrase Barbara Herman uses in a similar discussion. Herman, Barbara. (1993). *The Practice of Moral Judgment*, Harvard University Press, p. 30.

know the truth. Obviously, we cannot get outside of our minds to check. We are situated within a certain position that allows for us to recognize truths through the means of both our reason and our emotions. While we cannot go outside of this situated position, we can at least internally align the reason and affect for a higher degree of confidence.

Even though reason and affect must align, there need not be only one path an agent can take when acting on her moral disposition. There are many actions for an agent with a moral disposition. To have a moral disposition it is necessary to act on one of the numerous possible paths. When a person has a moral disposition, she will choose one of the paths, i.e. she will choose to act on obligations when she has the opportunity to do so. Each path satisfies some obligations. When she chooses one, she will be faced with other possibilities in consequence of that choice.

This is similar to the limiting condition mentioned in the above. However, the position above suggested reason was a limiting condition for a choice based on emotions, i.e. once we understand which actions align with reason, we are then given the leeway to choose amongst those actions based on our own emotions. I am arguing that reason and affect taken together are the limiting condition. Even when we understand which actions align with reason and affect, there will still be multiple paths of possible action for a person with a moral disposition.

A person might object that there is a distinction between our obligations and something like *foundational* obligations. The idea here is that perhaps there are moral dilemmas and we have *foundational* obligations that we cannot satisfy. Yet once we *deliberate* on these foundational obligations in order to decide on which obligations are binding, and we act on the ones we decided were binding based on the deliberation, then

we have satisfied *all* our obligations. In other words, a person does not fail to satisfy obligations when they conflict because her deliberation chooses between the foundational obligations to find her real, binding obligations that *are* satisfiable. It is these binding obligations that a person must act on.¹¹⁶

The distinction between the foundational obligations and binding obligations is similar to my argument in this chapter. However, I argue that deliberation will develop a moral disposition to act on obligations while recognizing that we cannot act on them all. By allowing the moral disposition as a moral metric, we can recognize that we might not be able to satisfy all our obligations while still having a decision making process for moral action. The moral disposition allows us to recognize what we should do while still recognizing more could be done. The distinction between foundational obligations and binding obligations takes away the obligations we cannot act on and so leaves out what I see as an important aspect of recognition. My argument recognizes the obligations we cannot satisfy while giving a different evaluative procedure for an agent to follow.

While we can have a moral disposition, moral dilemmas will still exist. I could have the disposition and be presented with two possible and conflicting moral actions. Yet the dilemmas are not problematic if we consider the moral disposition as the necessary concern for us as moral agents. With a moral disposition we will act on obligations when we have the opportunity to do so.

¹¹⁶ Herman takes a position similar to this. Herman, Barbara. (1993). *The Practice of Moral Judgment*, Harvard University Press, p. 172.

4.2. A Personal Example

Since developing this argument for the necessity of reason and affect in a moral disposition, a situation in my life necessitated a moral decision that clearly illustrates the usage of a moral disposition within the framework of moral dilemmas. When I needed to make a decision in this situation, I considered my argument here to practice what I was arguing for. First, I will give a brief summary of the situation I was in. Then I will explain how the theory affected my decision-making process.

Last year, my partner and I moved out of state, with our children, to an area where we did not have any family. We moved for her career opportunity. A few months into our move my partner needed to enter the hospital for an extended period of time. She was not able to continue working. For my part, I was working to finish my dissertation and did not have any income at the time.

My partner first went into the hospital in a very surprising circumstance. Her hospitalization was not at all expected and my immediate reaction was shock. I called my mother to ask her to come help me, mostly because I was not immediately able to help myself and worried about being able to make choices. When my mother came, she helped me take care of the kids and tried to make sure I was okay. She was able to handle a lot of the background details while I worked my way through the shock. A few days after the hospitalization, I was considering the options for my family. I felt that I had certain obligations to my partner and certain obligations to my children and that I had to decide between them.

On the one hand, given that I could not support the children where we currently lived and that my partner was going to be hospitalized for an extended period of time, without the opportunity to continue working when she came out of the hospital, it was fairly clear that the kids and I needed to leave. My family offered to take us in and help with finances in order to provide the kids and me a stable place to live and work while we were waiting for my partner to recover. It was the middle of the school year, but my kids would be able to return to a school that they had gone to the previous year, where they knew the other children and the teachers.

Yet on the other hand, my partner was in the hospital where we lived and I did not want to abandon her. I could have continued to support the kids myself and do the work I needed to do in the new city. My partner was trying to get better and I had the obligation to help her do so. Yet I knew staying where we were would necessitate much more effort on my part that would hinder my ability to provide for and nurture my children (and myself).

My personal experience here gives an example of a more local moral dilemma. I had obligations to both my children and my partner and acting on one obligation precluded action on the other. I had the obligation to provide for and foster the development of my children and I had the obligation to support my partner. I could not satisfy both obligations given the circumstances of the situation. I would necessarily fail to satisfy an obligation.

Once out of my shock, I considered my reasons and my emotions given the situation. At first, my reasoning necessitated that I must act on the obligation to my children while at the same time having the emotion that I wanted to stay for my partner.

Because I had this conflict, it was necessary for me to reflect on both my reasons and my emotions. I did not assume that my reasoning was immediately correct or that my emotions were either. Instead, I reflected on both in order to figure out the way that they would align.

The important point for the example is that I did not simply choose to act on my reason or act on my emotion. I could have said “I have come up with a reason to take my children out of state” and simply left even with a divergent emotion that told me to stay. I also could have said “I feel like I should stay and I would be upset to go” and so stayed with my partner regardless of my reasons for leaving. Yet I did not do either. I considered both my reasons and emotions given the important ramifications that would occur with either decision that I made. I consulted my family and friends in order to get outside feedback. I talked to my partner to see what she thought and I consulted with the children (relatively superficially) to understand what would be best for them.

In the end, I was able to reconcile my affect with my reasons. I recognized that I had the feelings for my partners but I also had to consider my feelings related to the children. When I factored in outside feelings and reflected on the reasoning, my feelings aligned with my reason. I moved back to my family support after reflection and consideration on both my reasons and affect. Using both methods to provide information made for the correct moral choice in the situation.

4.3. Empirical Support: Dialectical Behavior Therapy (DBT)

In this section, I offer empirical support for the general idea of reason and affect working together. Later in this chapter I will spell out in more detail an argument for developing the moral disposition.

DBT is “a comprehensive cognitive-behavioral treatment for complex, difficult-to-treat mental disorders.”¹¹⁷ DBT is used for patients who are considered to have some type of disorder in their reasoning or their emotions. Within the DBT workbook, there is a Venn diagram of the following:

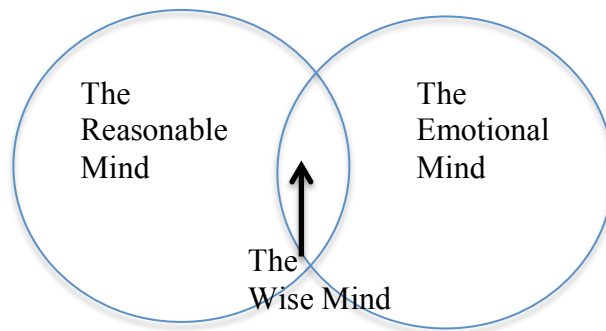


Figure 1¹¹⁸

DBT works under the assumption that proper character is regulated by both reason and affect and that we must combine the two for wisdom. There is research suggesting that

¹¹⁷ Dimeff, Linda and Linehan, Marsha. (2001). “Dialectical behavior therapy in a nutshell,” *The California Psychologist*, 34, p. 10.

¹¹⁸ McKay, Matthew, and Wood, Jeffrey, and Brantley, Jeffrey. (2007). *The Dialectical Behavior Therapy Skills Workbook*, New Harbinger Publications.

the usage of DBT is more effective than other treatment methods for correcting a number of undesirable behaviors.¹¹⁹

For example, DBT has been used for patients with borderline personality disorder and drug dependency.¹²⁰ In order to create what is considered desired behavior in a patient, the clinicians used a change procedure method that

...consists of systematic and repeated behavioral analyses of dysfunctional chains of behavior, training in behavioral skills, contingency management to weaken or suppress disordered responses and strengthen skillful responses, cognitive restructuring, and exposure-based strategies aimed at blocking avoidance and reducing maladaptive emotions.¹²¹

Note that there is a focus both on the “cognitive restructuring” and “reducing maladaptive emotions” with the idea being that it is necessary to create proper reasoning and emotional responses in patients that are having trouble with both.¹²² The clinicians had weekly individual and group meetings, skills training and coaching phone calls with each patient.¹²³ By recognizing and reconfiguring the reasoning and emotions of patients with drug dependence, the hope was to help the patients recognize their own reasoning and emotions that contributed to their relapses and to help patients quit using drugs. The

¹¹⁹ Dimeff, Linda and Linehan, Marsha. (2001). “Dialectical behavior therapy in a nutshell,” *The California Psychologist*, 34, p. 11.

¹²⁰ Linehan, Marsha et al. (1999). “Dialectical Behavior Therapy for Patients with Borderline Personality Disorder and Drug-Dependence,” *The American Journal of Addiction*, 8, pp. 279-92.

¹²¹ *Ibid.*, p. 281.

¹²² Of course what is “proper” is contentious and unclear in the psychological study.

¹²³ Linehan, Marsha et al. (1999). “Dialectical Behavior Therapy for Patients with Borderline Personality Disorder and Drug-Dependence,” *The American Journal of Addiction*, 8, p. 281.

program had the goal of giving the drug users a replacement set of skills to keep from relapses (“replacing pills with skills”¹²⁴). When the treatment was compared to standard clinical treatment – such as individual psychotherapy for a patient – DBT showed markedly improved patient ability to avoid relapse, improved retention in the program and “improvements in social and global adjustment.”¹²⁵

DBT is used for special cases of individuals who need help redirecting their behaviors outside of what is considered the norm. DBT is both recognition of how people *normally* act and how people *should* act. As the study with drug dependent patients shows, the psychologists are attempting to realign emotions and reasons in order to create a normatively improved patient decision-making process. By training therapists how to interact with patients in order to improve the ability to use reason and affect, DBT recognizes the importance of both information sources in a person’s decision-making process.

Psychologists implementing DBT are trying to correct abnormal behaviors by teaching people to use both reason and affect, not just one or the other. The belief is that using both is the wise option that people choose when they do not have abnormal behavior. My argument is simply taking this idea and suggesting that it need not only apply to obvious cases of people who are struggling to achieve some sense of normal behavior but that it can also apply for all people in all cases: the wise person will use both reason and affect for information in the development of her disposition and in her actions. Explicitly stating the alignment of reason and affect as a requirement makes it the case

¹²⁴ *Ibid.*, p. 282.

¹²⁵ *Ibid.*, p. 288-9.

that, even if people usually align reason and affect, they will understand that they should do so in all situations.

Of course, the psychological study is *describing* how focus on reason and affect can produce what are perceived as better results. We would need to ask what counts as “better” and whether we agree with the normative stance of the study in order to conclude whether we agree with the conclusions of the study. At the very least, we can recognize that DBT shows that some psychologists value both reasoning and emotions as two processes to investigate for the improvement of patient behavior and that there could be a normative advantage to the alignment of reason and affect.

To conclude, in this section I have argued that a moral disposition uses both reason and affect to reach a correct moral judgment. Both the reason and affect are equally valuable and necessary. I gave a personal example of how I used reason and affect in my own decision-making process in order to show what I consider the moral disposition in action. Finally, I showed how there is empirical support of my normative view. When psychologists implement a strategy that recognizes the necessity of both reason and affect, patients use a decision-making process that leads to improved results for their lives. Yet it is still unclear, given what I have explained thus far, how a person could develop the moral disposition. The usage of affect and reason in the proper order, and the proper use, has not been fully explained. In the next section, I argue that practical wisdom gives us the guidance to develop the moral disposition.

5. Developing the Disposition: Practical Wisdom

Thus far I have argued that, in light of the massive moral dilemmas from the last chapter, moral disposition is a better metric for moral success than either action or attempted action. Furthermore, I argued that affect and reason are necessary for a moral disposition. Besides what the disposition *is*, though, we need to know how to *obtain* it. While the components have been laid out, developing these components requires further elaboration.

I will argue that the disposition is cultivated through practical wisdom. Through habituation the disposition is strengthened. Repeated exposure and education provides an agent experience to learn how to develop a moral disposition.

The moral disposition is an internal feature of an agent whereas practical wisdom is the tool to develop that feature. I take the distinction between a moral disposition and practical wisdom to be similar to Aristotle's distinction between virtue of character and practical wisdom. He argued that a person's virtuous character makes the goal of her action correct and that practical wisdom makes it the case that the person can reach that goal.¹²⁶ The virtuous character of Aristotle is similar to the moral disposition in my argument and I am arguing for the usage of practical wisdom in a similar way to that of Aristotle.

An agent can develop the disposition by using practical wisdom. With practical wisdom the agent will choose one of the paths presented using her reasons and emotions. It is possible to understand our duties and it is possible to recognize affective responses to

¹²⁶ Aristotle, *Nicomachean Ethics*, 1144a9-10. This interpretation of Aristotle is given in Swartwood, Jason. (2013). "Wisdom as an Expert Skill," *Ethical Theory and Moral Practice*, 16, p. 526, fn. 26.

situations when we act on our duties. Using practical wisdom provides a way for people to work towards a better moral self.

A feature that plays the role of Aristotle's practical wisdom is common to most major ethical theories. Barbara Herman, a Kantian, says that

To act morally, an agent has to know what an obligation is...what obligatory ends we have, what will be necessary to satisfy them...and particular conditions of failed outcomes...¹²⁷

This is the type of knowledge that is necessary to develop for a moral disposition and it is the type of knowledge that comes through practical wisdom. A person develops a moral character through experience and learning. A young person has a broad view about his obligations and only learns to better understand the obligations from the knowledge gained through experience.

Below, I will define practical wisdom in order to have a concrete idea of how practical wisdom can help cultivate a moral disposition. Then I briefly explain how we can obtain practical wisdom.

5.1. Defining Practical Wisdom

There is an intuitive idea of what it means to have practical wisdom that relates to an understanding of what to do in specified situations. Here, I will present Jason Swartwood's detailed understanding of practical wisdom. The analysis gives a more

¹²⁷ Herman, Barbara. (1993). *The Practice of Moral Judgment*, Harvard University Press, p. 110.

robust idea of how we can develop a moral disposition using the practical wisdom as outlined.

Swartwood argues that wisdom is an expert skill. He defines wisdom as “the intellectual virtue that enables a person to make reliably good decisions about how to live.”¹²⁸ Having wisdom entails that we are able to know what should be done in various situations and also how to do what should be done. This is similar to Aristotle, who said practical wisdom is “a true and reasoned state of capacity to act with regard to the things that are good or bad for man.”¹²⁹

One way to understand wisdom is to model it on expert skill. So, as Swartwood argues,

...wisdom is the same kind of epistemic achievement as expert decision-making skill in areas such as firefighting.¹³⁰

An expert firefighter is able to make decisions about firefighting that are generally better than a non-expert in a similar position. It is the trait of better decision-making that defines a person with wisdom. A wise person is able to make decisions that are generally better than a non-wise person. The difference between the firefighter and the wise person is that the person with practical wisdom has skills of decision making that carry across activities. In other words, practical wisdom is an all-things-considered skill.

I am interested in practical wisdom as a tool for developing a moral disposition. The components of practical wisdom include both intuition and deliberation together. It is

¹²⁸ Swartwood, Jason. (2013). “Wisdom as an Expert Skill,” *Ethical Theory and Moral Practice*, 16, p. 512.

¹²⁹ Nichomachean Ethics, VI. 5.

¹³⁰ Swartwood, Jason. (2013). “Wisdom as an Expert Skill,” *Ethical Theory and Moral Practice*, 16, p. 512

not only through intuition that a person becomes an expert chess player but also through her reasoning and consideration of past experiences.

Wisdom involves complex choices that are challenging.¹³¹ Both the “complex choices” and the “challenging” part are important. The former component has to do with sorting out the difficult realities of the world and the latter has to do with how to perform the difficult acts that we recognize we must perform. Even if I have identified some principles that are necessary for action, the way to act on them is not always straightforward.

Swartwood argues that expert skill enables a person to perform well and better than others on a consistent basis and that psychological experiments give empirical evidence that corroborates the expert skill model. He argues wisdom is expert skill as well, and that these expert skills are a set of abilities. He lists five sets of abilities, and I will reproduce his list here in order to give an idea of how there can be a concrete concept of practical wisdom:

- (i) *“Intuitive ability:* an expert is often able to identify what she ought to do quickly, effortlessly, and without conscious deliberation.
- (ii) *Deliberative ability:* an expert is able to use slow, effortful, consciously accessible processes to search for and evaluate what she ought to do when an intuitive identification is lacking or inadequate.

¹³¹ *Ibid.*, p. 513.

- (iii) *Meta-cognitive ability*: an expert is able to identify when and how to rely on intuition and deliberation.
- (iv) *Self-regulative ability*: an expert is able to identify how to affect her environment, behavior, affect and motivations so that she can successfully do what she has identified she ought to do.
- (v) *Self-cultivation ability*: an expert is able to identify how to tailor her practice and experience in order to make her intuitive, deliberative and self-regulative abilities even more reliable over the long-run.”¹³²

Note that the first three sets of abilities are ways a wise person identifies *what to do* and the last two are ways a wise person identifies *how to act* on what she knows to do. To further sub-divide, the first two relate to my arguments from chapter 2 and earlier in this chapter. *Deliberative ability* specifically relates to chapter 2, where I made the argument that we have many obligations that create moral dilemmas for each of us. *Intuitive ability* relates to my argument for the inclusion of affect. Although affect and intuition are not synonymous – we have intuitions without affect and vice versa – they both capture the idea that a wise person will use information from other sources than simply her reason. Intuition is necessary for the disposition because we must use more than our deliberation in the choice of our actions since the deliberation has led us to moral dilemmas. *Meta-cognitive ability* relates to my argument that we need to mediate between our reason and affect in order to determine the correct way to act.

¹³² *Ibid.*, p. 519.

Self-regulative ability and *Self-cultivation ability* have to do with deciding how to act once we know what it is that we ought to do. There is an implicit idea here that *intuitive ability*, *deliberative ability*, and *meta-cognitive ability* will provide a person who has wisdom (the expert skill) knowledge of what she ought to do in light of what she can do. In other words, through the *intuitive ability*, *deliberative ability*, and *meta-cognitive ability* a person with the expert skill of practical wisdom can figure out what she ought to do, even if there are moral dilemmas that preclude her satisfying some obligations when she satisfies others.

Similarly, a person with practical wisdom will be able to, through the *self-regulative ability* and *self-cultivation ability*, figure out how to act on what she can do. With *self-regulative ability* a wise person will be able to manipulate her environment to achieve the necessary actions and with *self-cultivation ability* a wise person is able to improve her capacity to increase her ability to be wise (for wise people are obviously not infallible).

It is important to understand that there are real-world correspondences to practical wisdom and that practical wisdom need not simply be a vague concept used in a vague way. I have presented Swartwood's analysis in order to show one interpretation of practical wisdom that presents a specific and detailed understanding. Practical wisdom is applicable to people in concrete ways. Now that we have a definition of practical wisdom, we can move on to investigating how to obtain it.

5.2. Obtaining Practical Wisdom

Swartwood's expert skill model of wisdom argues for a definition of what wisdom is but not a way to figure out how to obtain it. However, he does gesture towards some ways that we could obtain it. He says we need practice and experience for "clear and accurate feedback,"¹³³ and that deliberation through "feedback from the wise [person] and appropriate reflection on her experiences"¹³⁴ are examples of ways that we can obtain the wisdom outlined in the previous section.

Swartwood gives a few ideas about how to obtain practical wisdom in a long footnote at the end of his paper. He talks about it being necessary to have "the right general commitments" shaped through "practice, experience, and reflection into a reliable understanding of how to conduct oneself." And that people become wise when they care about "honesty, justice, self-respect (and the like)" and have concern for the "right" goals. Then, by developing the five abilities listed above, attached with those goals, a person can obtain wisdom. It being the "right" goals is important, for that is what distinguishes a wise person from a merely clever person. By having the "right" goals and knowing how to achieve them we are wise, whereas having any goals we want and knowing how to achieve those makes us merely clever.¹³⁵

Swartwood avoids discussing what the "right" general goals are, and rightly so. His paper explained what practical wisdom is, not how to obtain it: we have practical wisdom when we have the "right" general goals and an understanding of how to achieve those goals, regardless of what it means to be the "right" goals.

¹³³ *Ibid.*, p. 518.

¹³⁴ *Ibid.*, p. 526, fn. 26.

¹³⁵ *Ibid.*

The “right” general goals, I claim, include the obligations as outlined in chapter 2, such as taking actions against the harm done to a Bolivian girl without access to proper nutrition. When we have practical wisdom, we will both: 1. Understand why those obligations are the right goals through our affect or intuition [*intuitive ability* from Swartwood’s concept of practical wisdom], through our deliberation [*deliberative ability*] and by balancing our affect and reasoning [*meta-cognitive ability*]; and 2. We will understand how to act in light of what we should do by figuring out how to affect things around us [*self-regulative ability*] and figuring out how to make our abilities better [*self-cultivation ability*].

However, it is still not wholly clear how to obtain practical wisdom. We can talk about developing the “right” goals and knowing how to act on them, but that is not specific enough for a person to start using practical wisdom. This under-specification is not a problem specific to my argument alone. Any theory of morals needs a way to understand how it is possible to live up to the theory. This is a huge problem for other theories as well, such as utilitarianism, where a person must figure out which action will create the best overall consequences. Explaining *that* it is necessary to create the best overall consequences is different than explaining *how* to achieve the best overall consequences. The way to figure out how to implement utilitarianism is through experience and by learning to create the best consequences. Likewise, through experience and by using practical wisdom we can develop a moral disposition.

We can recognize obligations and we might be able to act immediately in some situations. We might try to reflect on the obligation and our reason and emotions to figure out the right move. It might not be obvious what to do. The obligations might not map

perfectly to the world and we might feel uncomfortable acting in some situations. Yet through our repeated efforts we gain knowledge of the effects of our actions and how or whether they produce the desired results. The next time we are in a similar situation or a situation perhaps some way relevant to one we have already been in, we have some deeper knowledge of how to act. Stacking these experiences on top of each other provides deeper knowledge of how to act and develops the moral disposition. This cultivation is an example of how to obtain practical wisdom.

Swartwood provides a good account of what practical wisdom *is*. His account could readily be applied to my work by recognizing the argument that I give for the “right” general goals and using his understanding of practical wisdom to develop the moral disposition that I outline above. More could be said in order to understand how to acquire practical wisdom. I will not include a further discussion here except to say that in the conclusion of the dissertation I briefly outline the necessity of moral education as an avenue for acquiring practical wisdom. I hope to investigate practical wisdom and ways to acquire it in my future work.

In conclusion, in this section I argued that, by reflecting on our reasons and emotions, and importantly through our experiences, we are able to cultivate knowledge of how to act. To have a moral disposition we need to have the practical wisdom to understand how to implement our disposition. If a person has not been given the opportunity to learn how to act, practical wisdom is generally lacking. This is consistent with intuitions we have about children and others without proper life experience. We hold these people less accountable (although there is still always accountability) for their deficient character development. They have not been given sufficient experiential

opportunities to develop their practical wisdom. It is developed over time and through habituation. We cannot obtain practical wisdom in a day and some people will not obtain it over a lifetime.

6. Instantiating Practical Wisdom

In this section, I make two policy suggestions that follow from my above arguments pertaining to the moral disposition and the usage of practical wisdom. The first suggestion is the coordination of effort to work together for obligation satisfaction. Through coordinated and group efforts we are capable of acting on more obligations than if we each acted alone. The second suggestion is based on an ordering of obligations. I argue that we should prioritize certain obligations that provide against agency threatening harms to moral agents. These I call “basic obligations.”

6.1. Coordination

The question of coordination is important for figuring out how to act on more, most or all of our unsatisfied obligations. Many people will have the same obligation, yet only one act is necessary to satisfy the obligation and release all from the obligation. With detailed and effective coordination it is more likely that we can achieve better success rates of obligation satisfaction.

I am arguing that coordination is necessary because we will be able to act on *more* obligations. This comes from the definition of **SCA1**, which held that we have the

disposition when we maximize the individual obligations that we satisfy. The consequences matter, yet it is not the maximization of best consequences but rather the maximization of obligation satisfaction. I am arguing that we can maximize our obligation satisfaction by working with others, since we all have more obligations than we can satisfy and because when we work together we can obviously achieve more.

While it is the case that the obligations are for an individual to satisfy, it is obvious that collective action and institutions will often provide a more effective or efficient way to satisfy the obligations. If a person has a moral disposition, then it would be most effective for her, along with other individuals, to act with a group as opposed to going it alone.

In his “Mediating Duties,” Henry Shue discusses the necessity of group effort and coordination. Shue argues that all human beings have a right to food and that all other human beings have a correlative duty to satisfy that right. If this were an individual obligation, it would then seem that each person has the duty to provide food to each starving individual, which, given the current level of starvation in the world, would lead to impossible demands on us all. Shue argues that all other human beings have the correlate *imperfect* duty to satisfy the right to food. In other words, all others have the duty to provide food to some individuals and can choose how to help. Yet Shue holds that institutions mediate our duty to those without food and the duty becomes a *perfect* duty through the institution, i.e. the duties are filtered into perfect duties for the institutions to satisfy through specification and allocation.¹³⁶ For Shue, institutions are a way to make

¹³⁶ Shue, Henry. (1988). “Mediating Duties,” *Ethics*, 98 (4), pp. 687-704.

global human rights commensurate with the limited capacity of a person to satisfy the duties.¹³⁷

Whereas Shue argues that the duties are for institutions to satisfy, my argument still holds that the duties are for an individual to satisfy. I am arguing that institutions and coordination will provide the most effective way for most people to act on a moral disposition. It is obvious that organizations can achieve more than individuals. UNICEF, Habitat for Humanity, and Oxfam are capable of satisfying more obligations than most individuals on the street, if for no other reason than pooled resources and efforts. Those who have a moral disposition will often find the best way to act on the disposition through work with an already existing organization. Of course a person need not do so. Going it alone could still be the best way for some. Yet empirically, individual costs – both psychological and material – might be kept low by being part of a collective.¹³⁸ By working with others and delegating, a person need not feel overburdened and can share the weight of the tasks. Likewise, she can share the material weight of financial and physical aid.

If we find, through our practical wisdom, that the way to maximally satisfy our obligations is via an institution, then, on my view, it is required to act through the institution. While we might be required to act through coordination or through an institution, the obligations are still ours as individuals and not that of the institutions themselves.

¹³⁷ Larry Alexander argued for a similar view in Alexander, Larry. (2003). “The Legal Enforcement of Morality,” in *A Companion to Applied Ethics*, eds. Frey, R.G. and Wellman, Heath. Blackwell Publishing.

¹³⁸ Lichtenberg, Judith. (2010). “Negative Duties, Positive Duties, and the “New Harms,”” *Ethics*, 120 (3), p. 576.

6.2. The Ordering of Obligations

I have argued that moral dilemmas necessitate we develop a moral disposition to act on obligations. I have suggested that there are numerous paths a person with a moral disposition might take. Here, I will argue that some obligations deserve priority over others. In other words, a person with a moral disposition would recognize the value of certain obligations over others. In this final subsection, I argue that we should prioritize obligations that provide against agency threatening harms to agents. The argument is meant as an instantiation of the practical wisdom discussed in the above section.

Henry Shue argues in his *Basic Rights* that there is a certain class of rights for which “enjoyment is essential to the enjoyment of all other rights.”¹³⁹ These are basic rights. For example, my ability to enjoy the right to free speech is contingent on my right to be free from physical harm. In this way the right to physical security is a prerequisite for the right of free speech. Admittedly, it is possible to practice *instances* of speech freely but a person would fail to have a real prospect of enjoying the *right* if she lacks the requisite freedom from physical harm.¹⁴⁰ Shue’s main argument in *Basic Rights* is that subsistence rights (rights to e.g. food, shelter, and adequate housing) are basic rights in a similar way to security rights. Basic rights are not more valuable than other rights, though. A person might value free speech more than physical security, even if the physical security is a basic right.

Starting from a rights perspective takes us only so far. As Beitz and Goodin state,

¹³⁹ Shue, Henry. (1980). *Basic Rights: Subsistence, Affluence, and U.S Foreign Policy*. Princeton University Press. p. 19.

¹⁴⁰ *Ibid.* pp. 178-181, fn. 13.

Someone might wonder...why “basic rights” rather than “basic duties,”...should be the preferred “arrangement.”¹⁴¹

Beitz and Goodin recognize that starting from the perspective of obligations might be a better alternative than starting from the perspective of rights. Indeed, a great concern for Shue in *Basic Rights* is the correlative obligations, and in fact he says

My primary contention has been that taking rights seriously means taking duties seriously.¹⁴²

Even as Shue is arguing for an ordering of rights, what he hopes to achieve is a change in *action* for those rights through the correlative duties.

Shue’s argument begins with rights. Once we have figured out how rights work, for Shue, we can then go on to look at the correlative duties that are implied by the rights. However, we need not start with the rights. We can start from the perspective of obligations. In this way, we avoid the complications of deciding the correlative duties to the basic rights. Instead of starting with who deserves what and from that figuring out what we should do, we can start with what we should do. I argue that a person *should* act on certain obligations before acting on other obligations. These are what I call the “basic obligations.”

¹⁴¹ Beitz, Charles and Goodin, Robert. (2009). “Introduction: *Basic Rights* and Beyond,” in *Global Basic Rights*. Oxford University Press, p. 9.

¹⁴² Shue, Henry. (1996). “Afterword,” in *Basic Rights: Subsistence, Affluence and U.S. Foreign Policy*, 2nd edition, Princeton University Press, p. 167.

A distinction between the basic obligations I am proposing and Shue's basic rights is that there are not necessarily correlative rights to the basic obligations. When a person claims a right, there must be at least one correlative duty for the right in question to have any sort of meaning.¹⁴³ If I have a right to X, there must be someone who has the duty of X to me, or my right is vacuous. However, there need not be a correlative right when we start from duties. I might have a duty to help a woman cross the street without the woman having a corresponding right to my or anyone's help. While there must at least be as many duties as there are rights, there may be more duties than rights.

Likewise, there is another important distinction between my argument and that of Shue. For Shue, it is not possible for an individual to have any other rights without the satisfaction of her basic rights. With the denial of basic rights, all other rights cannot be enjoyed. For example, without enjoying the right to food, I *cannot* enjoy my right to free speech. Only if the right to food is enjoyed can my right to free speech be possibly enjoyed as well. In this way, basic rights *must* be enjoyable for the enjoyment of any other rights.

However, for the basic obligations I am proposing here, it need not be a feature of obligations that the basic ones *must* be acted on before the non-basic ones. Agents *can* act on non-basic obligations before acting on the basic ones. My argument is that basic obligations *should* precede non-basic obligations. For example, I should satisfy my obligation to refrain from harming others before I satisfy my obligation to provide culturally enriching opportunities to my family members.

Such a normative claim demands justification. The basic obligations deserve prioritizing because their satisfaction secures certain ends. Basic obligations are unique in

¹⁴³ Shue, Henry. (1988). "Mediating Duties," *Ethics*, 98 (4), p. 695.

the following crucial way: they provide individuals with the secure ability to be in the world without being exposed to the agency threatening harms that were outlined in chapter 2.

Recall that the agency threatening harms relate to an individual's capacity to act in the world. Freedom from agency threatening harm is a fundamental part of a person's existence. When we are harming the agency of a person, we are neglecting her basic personhood. The agency threatening harms relate to an agent's capacity to subsist at a basic level of existence. Without the satisfaction of obligation to refrain from agency threatening harm, people must be concerned with their own daily existence.

There are other reasons to act on our obligations to agency threatening harm as a priority. Being a moral agent is fundamental for personhood. People who have these concerns of agency threatening harm cannot develop their own moral disposition because they must focus on their own agency. Without the ability to be a moral agent we are denying an agent personhood. Such denial is similar to torture or servitude, situations in which an agent's personhood is also being denied. In order to correct such a denial, the ability to be a moral agent – to develop a moral disposition through a capacity for choices – must be achieved. If a person can only consider her own continued existence, then she cannot develop a moral disposition. If a person must concern her actions with such issues as food, shelter and clothing, then she still has agency threatening harms and others are failing in their obligations to her, i.e. these harms are a denial of her personhood on the part of all other agents. Satisfaction of the basic obligations provides *opportunity* to individuals to develop a moral disposition in order to lead a moral life.

As adults, even without adequate food or safety, people are capable of taking action. People can choose how to find food or how to seek safety within any limited scope of ability. Yet these actions are only for the continuation of personhood. Looking for food and safety are necessary conditions for a person to continue her existence. Satisfying agency threatening harms allows individuals to go beyond concerns of continued existence. When we satisfy our obligations to refrain from these harms we allow a person to thrive or flourish through her personhood. The thriving and flourishing are meant in a vaguely Aristotelian sense to minimally denote a sense of the possibility to lead a moral life.

It need not matter how people *use* this agency once they receive it. The question is not whether a person is better than another in developing a moral disposition. Rather, it is simply a concern about whether a person is even capable of realistically developing a moral disposition in order to be a moral agent.

At base, then, my claim is that we should prioritize those obligations that provide people with the minimal capacity to develop a moral disposition. The satisfaction of basic obligations are construed as taking off shackles for those who are concerned with fundamental problems pertaining to their personhood. Satisfaction of basic obligations allows the possibility of non-existential concerns for moral agents.

The value of a person's capacity to act might be contrasted with other values such as the value of relationships in an ethics of care. It might be thought that consideration of a person's agency is antithetical to relationships. That is not my intention here. The agential considerations of a person might relate to interpersonal interactions that are relevant to the agential considerations of the individual. In this sense, considerations of

agency are quite broad and include both an isolated and relational individual in order to capture a wide scope.

The point of outlining basic obligations is to recognize that there are some actions we should take that have more value than others. Recognition of basic obligations provides actions that we should prioritize when developing a moral disposition in light of the incredibly demanding obligations outlined in the previous chapter.

Of course, if the option is acting on a non-basic obligation or not acting on an obligation at all, it would be better to act on a non-basic obligation. Yet there is not a simple tradeoff between basic and non-basic obligations. We must investigate what it means that one *cannot* act on basic obligations. And while a person might not be able to act on *all* of her basic obligations, there are certainly ways in which she could use her energy to further *try* to act on them, similar to the discussion of possible alternatives from the last chapter (i.e. we have an obligation to take a possible alternative to accepting the *current world order* and that alternative is an attempt not to accept the *current world order*). By attempting to satisfy the basic obligations a person would be acting with a moral disposition.

A person might also object that, if the argument requires all to act on these basic obligations, then all freedom of choice is extinguished. With a moral disposition we would always be trying to act on these obligations and we would not have a choice in what we do. Instead of meeting a friend for lunch, if I have a moral disposition I would go try to act on basic obligations. Those with a disposition would act on all their obligations all the time and, according to my argument, everyone *should* develop the disposition and use all their time to act on obligations.

However, there are many paths a person can take to act on her basic obligations. The theory is not intended to dishearten or “introduce a strenuous moralism.”¹⁴⁴ Rather, it is intended to provide a way to think about how we should act in light of massive moral dilemmas and impossible obligations. The solution is that we should develop a moral disposition to act on our obligations while using practical wisdom to recognize that we can achieve more as a group and that some obligations deserve priority over others.

In this subsection I have presented a normative ordering to obligations. I argue that some obligations should be acted on before others. These are the basic obligations. We should act on these obligations first because they provide against agency threatening harms to other moral agents that, in turn, recognizes these other agents’ personhood and allows them to develop their own moral lives.

7. Conclusion

In this chapter I have argued that we should develop a moral disposition to act on obligations. In this way, we are capable of having a moral disposition that aligns with the demanding moral obligations presented in the previous chapter. We can have an evaluative procedure for moral dispositions but not moral action within this theory of moral obligation. We need not thus cower in fear at the demanding obligations. Instead of acting on all the obligations, we can develop a disposition to act when we have the opportunity. This is how we can be moral agents.

¹⁴⁴ Korsgaard quote on a related point. Korsgaard, Christine. (1986). “The Right to Lie: Kant on Dealing with Evil.” *Philosophy & Public Affairs*, 15 (4), p. 348.

Further, I argued that the moral disposition necessitates an alignment of reason and affect. We only have the moral disposition when our reason and affect align behind our recognition of our obligations. We should align reason and affect while not subordinating either to the other. To understand how to use reason and affect in the development of this disposition, I argued that we must look to practical wisdom. We can learn through our past experiences and through habituation in order to create a moral disposition. I gesture towards coordination as the likely most effective way to satisfy a maximal set of moral obligations. While we can go it alone, working together gives us more of an opportunity to act on our developed moral disposition. Finally, I ended by arguing that certain obligations, which I call “basic obligations,” should be acted on before others.

This chapter focused more on a way people should be as opposed to what people should do, i.e. the chapter investigates a virtuous person or virtuous character through an investigation of disposition. A virtuous person has a moral disposition, which is the disposition to act on her obligations. She develops this moral disposition through practical wisdom.

Conclusion

You don't need industrial strength ethical theory to know that it would be better if billions of people didn't live in dire poverty.¹⁴⁵

1. Introduction

In this dissertation I argued, using industrial strength ethical theory, that the obligation to refrain from harm makes it that we should take possible alternative actions that do not conform to the *current world order* that is causing harm (including harm such as dire poverty). I developed each subsequent chapter as a response to a question created by the previous chapter. Here I will outline the chapters and end each with the question I thought needed to be addressed in the subsequent chapter (in italics).

I began in the introduction by briefly presenting my meta-ethical motivations by using an analogy to mathematics. I argued that moral propositions are as justified as mathematical propositions. Both disciplines, I held, deal with phenomena in the world, and the moral theory we considered for the dissertation began with moral obligations. Question: *How might we develop a normative theory from these moral obligations?*

In the first chapter I argued against the widely held foundational dictum “‘ought’ implies ‘can’” (**OIC**) by showing that the connection between obligations and ability is fallacious. I did this by first giving an analysis of “ought” and “can”, after which I presented some arguments for **OIC** and showed why each is unsatisfactory to justify holding **OIC** as a principle for a moral theory. Therefore, it is argued that **OIC** should not be held in a moral theory. Chapter 1 rejects **OIC** but does not present a thorough

¹⁴⁵ Lichtenberg, Judith. (2010). “Oughts and Cans: Badness, Wrongness, and the Limits of Ethical Theory,” *Philosophical Topics*, 38 (1), p. 135.

argument for impossible obligations. Question: *If “ought” does not imply “can”, then what are obligations and how do obligations work?*

In chapter 2 I began by arguing that defeaters to impossible obligations do not actually defeat. I argue that the distinction between negative and positive duties is murky at best, and that what we have traditionally held as negative duties in fact often require many actions from each of us. I then specify the obligation to refrain from harm as one of these traditionally held negative duties. I focus on the obligation to refrain from *agency threatening* harm, which is taken as harm that disregards a person’s capacity to act. I argue that we should investigate obligations to refrain from harm as opposed to obligations to oppose injustice, since the former are obligations that include a reference to what *we* do that necessitates actions whereas the latter might not include us in the equation. I go on to present the NEW HARMS argument, which holds that we are harming through our everyday actions, including buying clothes made in sweatshops and driving fuel inefficient cars. I present the POSSIBLE ALTERNATIVES argument as an even stronger argument than NEW HARMS. POSSIBLE ALTERNATIVES argues that our actions that are in conformity with global institutional structures that contribute to harm are also contributing to the harm. In other words, almost all of our actions contribute to harm if we are not taking alternative actions. Given that we can only satisfy some of these obligations and not others (e.g. if I attempt to refrain from agency threatening harm for certain obligations I cannot attempt to refrain from agency threatening harm for others), we each have massive moral dilemmas. The rejection of **OIC** in the previous chapter provides an avenue for a consistent moral theory that

embraces moral dilemmas. Question: *How should we act in the face of massive moral dilemmas?*

In chapter 3, I argued that, instead of using a metric of action or attempted action, we should use a metric of disposition for agents to evaluate moral success. An agent can judge her moral development by considering her moral disposition to act on her obligations. I argued that practical wisdom cultivates the disposition and that there are certain ways we should act in light of considerations related to practical wisdom, e.g. that certain obligations should be acted on before others (the “basic obligations”). These obligations are foundational in that we must act on them so that other agents have the ability to develop their own moral dispositions. Question: *How does this theory work in practice?*

The dissertation does not discuss the actual implementation of this moral theory beyond arguing for the use of practical wisdom to develop a moral disposition. The rest of this conclusion will briefly discuss related fieldwork that I have done in an attempt to implement my own theory. After discussing these activities, I turn to my plans for future research related to the dissertation.

2. Bolivia Project

In the summer of 2014, I received a fellowship to do work in Bolivia related to my dissertation. For me, food security issues have always seemed the most obviously related to the basic obligations. I applied for the fellowship to work on food security issues in a remote, mountainous areas of Bolivia. Even with governmental support, many

isolated Bolivian communities do not have access to basic food sources and a proper diet. I worked with non-governmental organizations in the Cochabamba district of Bolivia for two months. The work we did focused on Jironkota, a small village in the Andes isolated from other communities. The inhabitants did not have access to adequate food sources because of production problems related to the high altitude. Their diets consisted almost exclusively of what they could produce locally, which was potatoes, beans, rice, and llama meat. They had very little access to fruits and vegetables.

I worked with *Mano a Mano*, a local NGO, to make greenhouses in Jironkota. The goal of the project was to make one greenhouse for each family, and in this way to provide each family with a stable supply of fruits and vegetables. The greenhouse materials were cheaply bought and the villagers all helped build their own and their neighbors' greenhouses.

The work was a pilot project for *Mano a Mano*. They wanted to see if the greenhouses actually worked effectively to produce more adequate food sources. While I went to Jironkota to help with the project, I also conducted a research study to see the effects of the greenhouses. I interviewed heads of households to understand what they thought of the projects and asked about their hopes for future production. I wrote a research report from this survey. The research highlights the food accessibility problems in the region, governmental and non-governmental response, and the expectations for the individual family greenhouses in Jironkota. I would like to do a follow up study in Jironkota once the greenhouses are flourishing to see whether the actual results live up to the expectations. The greenhouse model could be implemented in other communities around the world where the altitude causes similar food production problems.

My Bolivian project was my attempt to act on what I saw as the argument of my moral theory. I attempted action on agency threatening harm to others through a moral disposition developed with (what I believe to be) practical wisdom. I did not necessarily *stop* the harms occurring, but by attempting to stop those harms I was not complicit in the harm. I could not act on all of my obligations to refrain from harm, but I did attempt to act on some.

Obviously, there are projects closer to home that I could do. There are food accessibility problems for people even in Minneapolis. But, I thought, given the opportunity of the fellowship, that I might be able to have the greatest impact, help the most people, and act on the most obligations by going to Bolivia to work with the community there.

3. Future Work

One aspect of philosophy that I love is how any project seems capable of reaching any other area of research within the field. I could take this project in almost any direction that interested me. That said, here I list a few of the issues that seem most pressing for a more robust theory and those that interest me the most. All of the following projects are avenues of research I hope to explore in the future.

3.1. Applying the Dispositional Approach

I plan to discuss a framework for acting on the moral theory based on actual factors of the world. This framework would transition from the theoretical to the practical similarly to Amartya Sen's capability approach.¹⁴⁶ The capability approach looks at people's real abilities to act and their freedoms to do so. I plan to explain in more detail suggestions for widespread development of moral disposition and how practical wisdom can inform its development.

The problems with application are vast. For instance, we might wonder how to define those who are food insecure or those who have threats to their physical security. It will be necessary to specify to whom we must act and why. Importantly, I will need to make clear how implementation of my theory creates a different result from other moral arguments.

3.2. Moral Education

Moral education does not eliminate the limits to human knowing or willing, but it can lead us to appropriate caution as we learn better to apprehend those circumstances where acting in the face of lack of knowledge or weakness of will is likely to make a moral difference.¹⁴⁷

¹⁴⁶ Sen, Amartya. (1999). *Development as Freedom*, Oxford University Press.

¹⁴⁷ Herman, Barbara. (1993). *The Practice of Moral Judgment*, Harvard University Press, p. 110.

I would like to investigate moral education and the limits of human psychology. By the latter I mean that I would like to investigate how far people can or should be pushed with the idea of impossible moral obligations. I want to investigate how to create a more effective populous for the moral theory I presented and how to keep people from feelings of hopelessness. I think a lot of this will deal with psychological issues. For the educational aspect I would like to work with psychologists to study how moral attitudes develop and how we can shape those attitudes.

Relatedly, I plan to include research about how education could or should be developed with consideration of this moral theory. I think here John Dewey will be a valuable resource. Dewey was greatly concerned with moral education. He was also concerned with meta-ethical positions that are relevant to my own.¹⁴⁸

Moral education is often necessary for the development of a moral disposition through practical wisdom. Moral guidance is often needed to develop a moral disposition in order not to be paralyzed by the demands of obligations. Educational strategies to develop moral dispositions should be heavily informed through empirical research.

Moral education entails different strategies for different circumstances. We must consider that people are not starting in the same position. Cultural settings and cultural norms require disparate ways to act on a disposition. Each person's situation should be considered independently and through a localized spectrum. Moral education is especially important for children, for they are learning the grounds for actions and how to choose to act. Children are the crucial demographic to begin this moral education, in order to shape their dispositions and intellectual development.

¹⁴⁸ Dewey, John. (1922). "Valuation and Experimental Knowledge," in his 1976 *The Middle Works, 1899-1924*, editor Boydston, J. Carbondale: Southern Illinois University Press.

I would also like to investigate the use of narratives and stories as a tool for furthering practical wisdom and developing a moral disposition. By learning what others have done or through narrative stories, we are able to understand the perspective of someone else and we are able to empathize with that perspective. The broad point is that being able to understand the perspectives of others – be it through narratives or world-traveling – can be, I believe, an important factor for developing a moral disposition.

For example, one colleague of mine explained how he used to skim through his grading assignments in order to finish quickly. He was overwhelmed or lazy or apathetic about the fairness of grading. For whatever reason, even if he recognized the incorrectness of his actions he did not feel that it was enough to change his actions. Yet his feelings changed when he had a conversation with a student who told him a narrative about how the grade affected him. It was not that my friend changed his reasoning; rather, the narrative showed him how his grading of papers affects his students and he empathized with the student. He felt what the student felt about the grading, and this caused him to change his grading strategy by doing the work necessary to make sure he was being fair.

I hope to explore other avenues as well that address how feelings might direct our actions about moral obligations. There are many ways our feelings can shape our principles, alert us to what is relevant in satisfying our obligations or make us *care* about attending to them.

3.3. Coordination

This was briefly discussed in the third chapter. Institutional coordination is a huge issue for human rights advocates. Understanding how to organize people and the most effective ways to do so is an obvious challenge for those currently working on moral issues. I have worked with lawyers and human rights advocates on issues such as these, but not as related to my own moral theory. I hope to discuss how my proposals can affect coordination and implementation strategies for human rights advocates. This is by no means a simple issue. Rather, it is a sweeping issue covering a huge swath of more detail specific, smaller pieces. I would like to work in specific areas to understand how the coordination works for specific issues. Most pressing and obvious to me, I think, is the issue of global food security. As I have already done some work in this area, food security would most likely be where I would start for work on coordination issues. Yet even this is a huge area, and food security in one small region of one small country almost assuredly must be handled differently in another country, state, or region.

3.4. Mathematics and Morality

This issue is, perhaps, the one I feel most strongly about and the one that I feel most clearly deserves more work. The relationship between mathematics and morality was a big impetus for this project, but all of my work in this area is still underdeveloped. There are a number of contemporary philosophers currently focusing on the relationship

between mathematics and morality. I believe there is a lot of opportunity to do work in this area and further my meta-ethical research.

3.5. Counterfactuals

Each chapter of my dissertation utilizes counterfactual reasoning. First, in the introduction, I discuss what it would be like if everyone thought differently, in order to show that mathematics and morality both are partly mind dependent. In chapter 1, I define “can” counterfactually for an investigation of **OIC**. In chapter 2, I argue for possible alternatives using counterfactuals. And, finally, in chapter 3, I define dispositions counterfactually.

Even before the dissertation, I investigated counterfactuals as a project. Counterfactuals have always been interesting and elusive for me. Counterfactuals have been central to my research and I love that, from them, I am able to investigate any issue. I plan to continue investigating counterfactuals and how they fit into a moral theory and how they work in general.

4. Conclusion

In the end, this dissertation project was my attempt to work out my intuitive moral beliefs. I had an idea about demanding obligations and about morality being similar to mathematics. I thought obligations existed without regard to how we could or could not act (chapter 1), and I thought that many obligations applied to all from all (chapter 2). I

thought we could instantiate the theory, or judge ourselves, with a new metric based on whether we tried, or wanted to try, to act on obligations, and that certain actions deserve priority over others (chapter 3). Then I tried to act according to this view (conclusion). The theory of moral obligations that I propose is really not meant as an evaluator of others. I think of it more as a way for each individual to judge how she is doing, for herself and in her own judgment, and if she recognizes some places where she could do better, she can adjust accordingly. The theory proposed is meant for individuals to integrate theory into practice. In the future, I hope to continue the work related to the dissertation, including working out the meta-ethics and discussing how to apply the practical aspects of the theory in greater detail.

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